

MONTGOMERY COUNTY, MARYLAND
TEN-YEAR COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN

CHAPTER 1: OBJECTIVES AND POLICIES
APPROVED 2003 - 2012 PLAN

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**MONTGOMERY COUNTY COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN
APPROVED 2003 - 2012 PLAN**

CHAPTER 1: OBJECTIVES AND POLICIES

I. INTRODUCTION

A. Plan Goals and Objectives – The overall goal of the Comprehensive Water Supply and Sewerage Systems Plan is to ensure that the existing and future water supply and sewerage system needs of Montgomery County are satisfied in a manner consistent with the following specific objectives:

- Community water supply and sewerage systems proposed in the plan shall emphasize service to the urbanized areas of the county, shall support the land-use recommendations adopted by the M-NCPPC in County Council-approved local area master plans, and shall be consistent with the provision of other public services.
- The Plan shall support the State of Maryland Smart Growth initiatives that direct State funding for public services and infrastructure to identified growth areas.
- The county's water supply and sewerage system needs are satisfied in a cost-effective manner that protects or improves the quality of the water resources of the county, from both public health and environmental standpoints.
- The Plan shall address needs and solutions, including recommendations for capital projects, of the complete water supply and sewerage systems, from the point of withdrawal of the raw water supply to the point of final disposal or reuse of wastewater effluent, including the treatment or disposal of water and wastewater treatment by-products such as water filtration solids and sewage sludge or biosolids.
- Specific public health problems related to water supply and wastewater disposal in all areas of the County shall be identified in the plan and appropriate solutions, including community water and/or sewerage systems and capital projects if required, shall be recommended.
- The Plan shall address the variable soil and groundwater conditions within the county and attempt to protect or enhance groundwater resources where practical.
- Focus plan updates on comprehensive amendments--particularly for water and sewer service area categories--which implement master plan recommendations, rather than on individual requests for service area changes.

These objectives are accomplished in the plan with the support and cooperation of the Washington Suburban Sanitary Commission (WSSC), the Maryland - National Park and Planning Commission (M-NCPPC), municipal governments within Montgomery County, and various County agencies. The County also seeks the support and concurrence of Prince George's County in regard to bi-county issues.

B. Purpose -- The general purpose of Chapter 1 of the Comprehensive Water Supply and Sewerage Systems Plan is to set forth the laws, regulations, and policies upon which the plan is based. This chapter includes the general, or county-wide, legal and policy issues pertinent to Montgomery County. Other legal and policy issues that are only relevant to a particular topic, such as regional water supply planning or biosolids management, are deferred to the chapter of the Plan that addresses that topic.

This section Chapter 1 presents the legal requirements for preparation of this plan and the responsibilities of the government agencies involved in preparing this plan and in managing the County's water supply and sewerage facilities. The remainder of this chapter is divided into sections discussing the policies and procedures for the provision of water supply and sewerage service, and the policies for water and sewerage systems facilities.

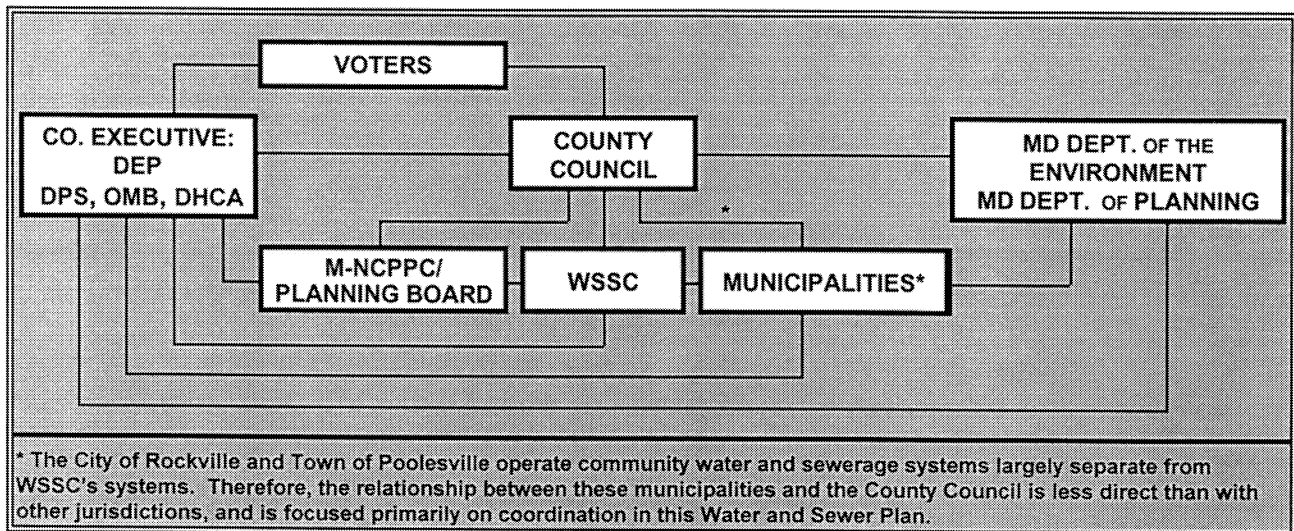
C. Legal Requirements -- Each County in Maryland is required by State law to have a comprehensive plan that deals with water supply and sewerage system needs for at least a ten-year period into the future.

The specific legal requirement is embodied in Environment Article, Subtitle 5, "County Water and Sewerage Plans," Sections 9-501 through 9-521, of the Annotated Code of Maryland and the Code of Maryland Regulations, Title 26, "Environment", Subtitle 3, Chapter 1, "Planning Water Supply and Sewerage Systems" (COMAR 26.03.01.01 - .08). This Comprehensive Water Supply and Sewerage Systems Plan fulfills this legal requirement.

The Annotated Code establishes the authority for the Water and Sewer Plan and delegates that authority to the counties. The Annotated Code also establishes the procedures by which the counties prepare, adopt, and amend their water and sewer plans. Sections 9-515 through 9-518 provide policies specific to Montgomery and Prince George's Counties which supersede other related sections of the Code. Montgomery County is required to comprehensively review and update this plan triennially (once every three years.) COMAR 26.03.01.01, *et seq.*, specifies the requirements for format and minimum contents for each county's plan. In addition to the specific legal requirements for this document, there are numerous Federal, State, and local laws and regulations that apply to the water supply, sewerage, and rural sanitation needs of the County addressed in this plan. Many of these additional laws and regulations are discussed in the chapters of this plan where they are most relevant.

D. Government Responsibilities for Water and Sewer Service – The responsibilities of planning for the availability of and providing water and sewerage service in Montgomery County are multi-jurisdictional and depend on the cooperative efforts of County, bi-county, municipal, State, and regional agencies and authorities. This is especially true with regard to the use of the Potomac River, a shared raw water source for several jurisdictions, and the Blue Plains Wastewater Treatment Plant (WWTP), a regional sewage treatment facility located in the District of Columbia. These governmental agencies, and their primary responsibilities, are described in the following sections. Figure 1-F1 depicts the interrelationships of the public and the government agencies primarily involved in preparing this Plan and in managing the water supply and sewerage systems serving Montgomery County.

Figure 1-F1: Government Responsibilities for Water and Sewerage System Planning



1. Montgomery County Government -- Under State law, Montgomery County has planning authority for the availability and adequacy of water and sewerage service and for land use in the county. The County government also maintains the county's land use planning and zoning authority. The County coordinates the planning and development of water supply and sewerage facilities with County land use, staging, adequate facilities, capital improvements, and environmental protection goals. The objective is to develop this Comprehensive Water Supply and Sewerage Systems Plan (CWSP) such that the water supply and sewerage systems are consistent with County land use planning. The CWSP incorporates all or part of subsidiary plans of the municipalities, sanitary districts, privately-owned facilities, and local, State, and federal agencies which have existing, planned, or programmed development within the county. The County reviews

and adopts the Water and Sewer Plan on a triennial basis, and also reviews and acts on proposed plan amendments at intervals between mandated, triennial updates.

a. County Council -- The Montgomery County Council, consists of nine elected Council members, four elected at large and five elected from councilmanic districts. The Council establishes a set of broad objectives and policies (including master plans, staging plans, and fiscal policy) to be followed in preparing the Recommended Water and Sewer Plan. After receiving the triennial submission of the recommended plan from the County Executive and allowing a period for comments by public agencies and interested parties, the Council holds a public hearing on the Executive's recommended Plan. Following worksessions, the Council amends and formally adopts the Plan. The Council also receives semi-annual transmittals of amendments to the plan from the Executive. Following a public hearing, the Council acts on the proposed amendments and incorporates them, as appropriate, into the Plan. The Council similarly reviews and approves both the annual WSSC Capital Improvements Program (CIP) for water supply and sewerage projects and the annual WSSC operating budget.

b. County Executive -- State law requires the County Executive to prepare a comprehensive update of the Comprehensive Water Supply and Sewerage Systems Plan for consideration by the County Council every three years. The Executive also prepares and submits recommended Plan amendments to the Council. These amendments can include text amendments and water/sewer category map amendments which are usually in the form of individual requests for water and sewerage service area category changes (see Section V. Procedures for Adopting and Amending the Water and Sewer Plan, below). The Executive transmits proposed amendments to the Plan for the Council's consideration and action semiannually. The Executive also transmits recommendations to the Council on the proposed annual Capital Improvements Program (CIP) WSSC submits annually for its major water supply and sewerage projects.

Within the Executive Branch of the county government, the Executive's responsibilities are delegated to the following agencies:

i. Department of Environmental Protection (DEP) - The Department's mission is to protect and enhance the quality of life in the County through conservation, preservation, and restoration of the environment guided by principles of science, resource management, sustainability, and stewardship. The Department maintains the primary functions of developing and administering the Water and Sewer Plan.

(a) Water and Sewer Plan Administration -- DEP staff develop updates and amendments to the Plan, and review and prepare recommendations on Plan amendments proposed from outside the Department such as individual category change requests. DEP maintains maps of the county's water and sewer service area categories, issuing interim update maps as necessary, based on approved Plan amendments. The County Council has delegated the authority to act on Plan amendments to the Director of DEP under limited circumstances. The policies addressing this administrative delegation authority are provided in Section V.F. DEP staff conduct public hearings and meetings related to proposed plan amendments.

DEP staff coordinate the review of the annual WSSC CIP with the County's Office of Management and Budget. In administering the plan, staff are involved in a variety of programs including surface water and groundwater protection, watershed management, water and sewerage capital facilities planning, development plan review, record plat approval, public health problem relief, and master plan development. DEP provides technical, policy, and research support not only to the Executive, but also to local government agencies such as the WSSC, the Maryland - National Capital Park and Planning Commission, and the County Council, and to regional agencies such as the District of Columbia Water and Sewer Authority, the Metropolitan Washington Council of Governments, and the Interstate Commission on the Potomac River Basin.

(b) Related Water Quality and Resource Programs -- DEP also carries out a variety of programs to protect the county's water resources. In addition to the Water and Sewer Plan, DEP has prepared three other major strategic plans which guide County policy in environmental management and protection: the County-Wide Stream Protection Strategy, the Groundwater Protection Strategy, and the Forest Protection Strategy.

DEP conducts extensive water quality monitoring, watershed restoration, storm water facility maintenance inspection and enforcement, illicit discharge inspection and enforcement, and public outreach activities. DEP regulates illicit discharges to county streams and storm drains under the Water Quality Discharge Law (Montgomery County Code, Chapter 19, Article IV). As provided under Chapter 19, Article VI, DEP provides general oversight of sediment control and stormwater management concept plans approved by the County's Department of Permitting Services (DPS).

Under the County's Water Quality Review law (Montgomery County Code, Chapter 19, Article V), DEP assists DPS in setting performance goals for development projects within County Council designated SPAs (presently located in the Upper Paint Branch, Piney Branch, and portions of the Little Seneca Creek watersheds). DEP conducts in-stream monitoring of development impacts within SPAs and assists DPS in defining requirements for developer monitoring of the effectiveness of sediment controls and stormwater management controls. DEP and DPS also work closely with the M-NCPPC in implementing SPA requirements and report upon development impacts and best management practices (BMP) effectiveness within SPA's to the County Executive and Council.

DEP directly implements and coordinates other County agency programs as required under the County's five-year National Pollutant Discharge Elimination System (NPDES) permit for municipal stormwater discharges (issued March 15, 1996). To help address the NPDES permit compliance requirements, DEP monitors and inventories the biological, physical, and chemical water quality conditions in county streams and tracks discharges to storm drains. Collected monitoring information is used to: 1) assess baseline water quality and habitat conditions in county streams and water supply sources; 2) evaluate impacts of specific development projects and wastewater discharges on streams; and 3) identify, locate, and take enforcement action against illicit pollutant discharges as provided under the County's Water Quality Discharge Law (Montgomery County Code, Chapter 19, Article IV). DEP coordinates in-County monitoring and data management activities of other Federal, State, local agency, and volunteer groups through the County's Biological Monitoring Workgroup (BMW). DEP monitors groundwater quality generally throughout the county and specifically around county landfills. DEP also reviews and comments on the State's water appropriation and use permit applications, both for water withdrawals and wastewater discharge.

DEP conducts watershed-wide resource inventories, stream erosion surveys, modeling, and feasibility planning studies to comprehensively assess watershed restoration needs and opportunities in largely developed County watersheds which have degraded stream conditions. DEP then develops Watershed Restoration Action Plans for degraded watersheds and sub-watersheds. These plans identify goals to improve stream conditions and specific educational, facilities maintenance, volunteer, and enforcement initiatives and capital projects necessary to achieve these goals over a five to ten-year time frame. As basic assessment work is completed for an individual watershed or subwatershed, DEP organizes interagency and public/private partnerships to implement the specific restoration tasks identified in the Watershed Restoration Action Plans. In addition to spearheading targeted public outreach, stream monitoring, and enforcement initiatives, DEP's work includes design, construction, maintenance, and monitoring effectiveness of stormwater management "retrofit" projects and stream restoration facilities needed to upgrade damaged stream habitat and water quality conditions. Stormwater retrofit projects improve control of peak runoff flows and runoff quality in developed areas of watersheds that previously lacked such controls. Stream restoration projects control stream bank erosion and improve habitat conditions.

DEP administers the County's new Water Quality Protection Charge program, which assesses an annual charge to property owners for the purpose of providing County maintenance of private stormwater management facilities.

ii. Department of Permitting Services (DPS) - Montgomery County's Department of Permitting Services (DPS) regulates new land development and building construction activities which affect storm flows, stormwater infiltration, stream base flows, and water quality. This includes sediment and erosion control and stormwater permitting, and associated plan review, inspection, and enforcement functions. DPS also issues well and septic system permits, street and storm drain permits, and administers the County's floodplain protection laws.

Within DPS, the Well and Septic Section has the responsibility delegated from the State to regulate and permit individual water supply and sewerage systems, usually wells and septic systems. The Well and Septic Section develops regulations addressing siting, testing, and permitting for these systems, currently Executive Regulation 28-93AM, "On-Site Water Systems and On-Site Sewage Disposal Systems in Montgomery County". DPS coordinates with DEP concerning cases involving public health problems caused by failing individual, on-site systems where a resolution of the problem involves the provision of community water and/or sewer service.

DPS staff administer a program which grants exemptions from WSSC systems development charges for biotechnology, elder housing, and community revitalization projects (see Section IV.A.1.b.).

DPS coordinates stormwater management requirements for new developments with DEP, M-NCPPC, and other appropriate agencies through an established interagency Development Approval Process. Special Protection Areas (SPAs), designated by the County Council under the County's Water Quality Review Law (Montgomery County Code, Chapter 19, Article V) are defined as areas where: 1) existing water resources or other environmental features directly relating to those water resources are of high quality or unusually sensitive; and 2) proposed land uses would threaten the quality of preservation of those resources or features in the absence of special water quality protection measures which are closely coordinated with appropriate land use controls. In Special Protection Areas, DPS sets performance goals, approves water quality plans and stormwater management concept plans, and specifies requirements for developer monitoring and reporting on the effectiveness of required stormwater control BMPs.

iii. Department of Public Works and Transportation (DPWT) – DPWT designs and builds capital projects for public storm drainage systems and specifies requirements for privately constructed drainage systems. DPWT maintains public storm drainage facilities. DPWT constructs drainage structures such as curbs, gutters, drainage inlets, pipes, and paved channels. These networks are designed to convey stormwater from developed surfaces into natural drainage swales and stream channels. In new developments, large drainage systems convey runoff to stormwater management facilities before discharging into the stream system. DPWT also constructs bridges and road crossings which can affect stream habitat and fish migration. DPWT's requirements for drainage systems, roadways, and road crossings for individual developments are coordinated with DPS and the M-NCPPC through the Development Approval Process.

iv. Department of Housing and Community Affairs (DCHA) - This Department administers grant and loan funding programs, generally from State and Federal funds, which provide financial assistance to property owners and communities seeking to repair, upgrade, or modify their water and sewer systems.

v. Office of Management and Budget (OMB) - This Office oversees the operating and capital program budgets for County agencies, including the WSSC, with a primary emphasis on fiscal accountability and responsibility. OMB staff coordinate closely with DEP, WSSC, and County Council staff on their review of WSSC's budget submissions.

2. Municipalities -- State law requires that the County incorporate the subsidiary water and sewer plans of the municipalities into the County's Plan. The municipalities provide the Executive with information needed for the preparation of the recommended Plan and participate in reviewing the recommended Plan and any amendments, as appropriate. Community water and sewer service for most municipalities in the county is provided by the WSSC. The City of Rockville and the Town of Poolesville are responsible for the operation of their own water supply and sewerage systems; some limited areas within the WSSD are served by these systems. Accordingly, the planning, design, and operation of their sanitary systems is largely independent of WSSC and the County. Especially because of its dependence on WSSC sewer mains for the transmission of sewage flows to the Blue Plains Wastewater Treatment Plant, Rockville does coordinate with WSSC and the County on water and sewer service issues.

The following municipalities are also responsible for their own planning and/or zoning authority:

Table 1-T1: Municipal Planning and Zoning Authority and Community Systems			
Municipality*	Land Use Planning Authority	Zoning Authority	Community Water/Sewer Service Provided By:
City of Gaithersburg	City	City	WSSC
City of Rockville	City	City	City and WSSC
City of Takoma Park	City	M-NCPPC	WSSC
Town of Barnesville	Town	M-NCPPC	no service (within WSSD)
Town of Brookeville	Town	Town	WSSC
Town of Kensington	M-NCPPC	Town	WSSC
Town of Laytonsville	Town	Town	no service (within WSSD)
Town of Poolesville	Town	Town	Town
Town of Washington Grove	Town	Town	WSSC
* See Figure 1-F2 for the locations of these communities.			

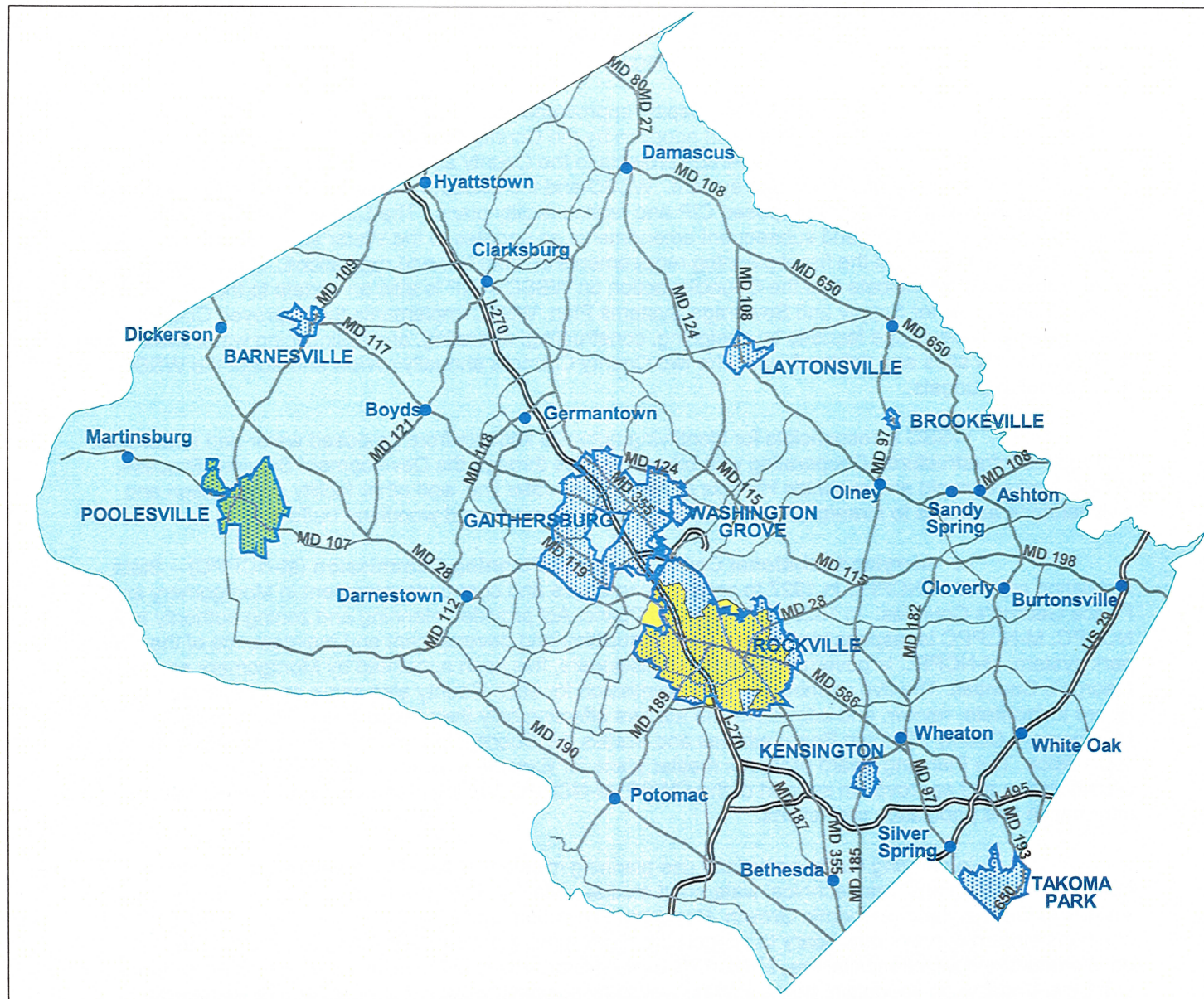
3. Bi-county Agencies -- The State of Maryland has chartered two bi-county agencies to serve the communities neighboring Washington, D.C. located in Montgomery and Prince George's Counties: the Washington Suburban Sanitary Commission and the Maryland - National Capital Park and Planning Commission.

a. Washington Suburban Sanitary Commission (WSSC) -- Established in 1918 under State legislation, WSSC provides community (public) water and sewerage systems throughout most of Montgomery and Prince George's Counties. The State's charter specifies the area served by the WSSC: the Washington Suburban Sanitary District (WSSD). WSSC is responsible for the design, construction, operation, and maintenance of the community water supply and sewerage systems within the WSSD. The agency constructs and maintains water mains, pumping stations, and water storage facilities to deliver treated drinking water from the Potomac and Patuxent filtration plants to connected households and businesses. WSSC also constructs and maintains sanitary sewer lines, pumping stations, and force mains to collect and transport wastewater to its wastewater treatment facilities and to trunk sewers connecting to the regional Blue Plains wastewater treatment facility. Montgomery and Prince George's Counties each appoint three of the six commissioners who head the WSSC, subject to confirmation by the respective county councils. The commissioners serve staggered, four-year terms. The WSSC General Manager, the chief executive for all WSSC operations, as well as the Internal Audit Manager/Secretary, report directly to the Commissioners.

WSSC owns and operates two water supply reservoirs on the Patuxent River and another water supply reservoir on Little Seneca Creek. The Triadelphia and T. Howard Duckett Reservoirs on the Patuxent River supply raw water to WSSC's Patuxent Water Filtration Plant. WSSC uses the Little Seneca Lake reservoir to supplement flows in the Potomac River to the Potomac Water Filtration Plant during droughts. The agency has permits to operate and maintain water intakes and filtration plants, to withdraw and treat water from the Potomac River and the Patuxent River reservoir system for public water supply purposes. WSSC conducts extensive water quality analyses for the community water supply within the WSSD and provides water quality to its customers through federally-mandated, annual Consumer Confidence Reports. These reports may also be obtained through the WSSC Public Communications Office or on WSSC's website at www.wsscwater.com.

WSSC operates and maintains wastewater treatment facilities on Great Seneca Creek near Darnestown, on Magruder Branch near Damascus, and on Little Bennett Creek in Hyattstown. These point source discharges are controlled through NPDES permits issued by MDE. WSSC conducts in-plant process monitoring of water filtration and wastewater treatment processes and maintains several water quality laboratories to support these operations and also conducts some raw water supply monitoring at its water sources and in-stream monitoring immediately upstream and downstream of its wastewater discharge points.







Figure 1-F2: Municipalities with Land Use Planning and Zoning Authority



MAP LEGEND

-  Municipalities with Land Use Planning and Zoning Authority
 Other Selected Communities

Major Roads

-  County Roads
 State Roads and Highways
 US and Interstate Highways
 Poolesville Sanitary Service Area
 Rockville Sanitary District
 Washington Suburban Sanitary District



Montgomery County, Maryland
2003 - 2012

Comprehensive Water Supply and Sewerage Systems Plan



Watershed Management Division
4/11/03-- GIS Project File: o:\wwwteam\cwsp\
2002update\chapt1\fig1-F2=municipalities.apr

WSSC provides data and guidance to the Executive pertaining to capacity of the water supply and sewerage systems and to engineering and fiscal aspects of system expansion. Reviewing and commenting on the Recommended Comprehensive Water Supply and Sewerage Systems Plan and on recommended water and sewer service area category changes are also functions of the WSSC.

WSSC submits a Six-Year Capital Improvements Program (CIP) annually to the County for interagency review and for modification and adoption by the County Council. WSSC prepares and submits the CIP for major community water and sewerage projects to the County as part of its responsibility to plan and finance the water supply and sewerage system. WSSC and the Executive work together in the preparation of relevant portions of the WSSC's proposed CIP and related facility plans. The County incorporates the adopted WSSC annual CIP and subsequent amendments as updates to the Water and Sewer Plan, which serve to substantially fulfill the fiscal planning requirements of state law and regulations. Public hearing advertisements shall indicate that the Council's action on WSSC's CIP is also an update to the Comprehensive Water Supply and Sewerage Systems Plan. WSSC implements the approved County CIP for major water and sewerage facilities by designing, constructing, operating, and maintaining water systems and acquiring facility sites and rights-of-way. The two County Councils annually review and adopt the WSSC CIP and operating budgets.

WSSC is responsible for identifying potential impacts from proposed water and sewer lines and related infrastructure. Cooperating with other agencies through the Development Services Process, WSSC works to avoid and minimize impacts of sewer line, water line, and other facility construction and maintenance activities to streams, floodplain, wetlands, parklands, and woodland buffers.

b. Maryland - National Capital Park and Planning Commission (M-NCPPC) – State legislation created M-NCPPC in 1927 to protect open space and control development in Montgomery and Prince George's Counties. In 1939, the Maryland District Act provided planning and zoning authority to M-NCPPC. M-NCPPC is responsible for park land acquisition and development and maintenance of the county's park system. M-NCPPC is governed by ten commissioners, five each appointed by Montgomery and Prince George's Counties. The five members of the commission for each County also serve as a separate Planning Board to facilitate, review, and administer the matters affecting only their respective counties. The Montgomery County Planning Board advises and assists the County Council in planning, zoning, and subdivision. The Planning Board prepares master plans for Executive review and County Council consideration and approval. In support of the CWSP, M-NCPPC provides the County with demographic information and population projections.

In carrying out its basic land use planning mission, M-NCPPC develops master plans, functional master plans, and technical watershed studies. Master plans are required to incorporate the seven Visions of the Maryland Economic Growth, Resource Protection, and Planning Act of 1992. M-NCPPC also conducts stream surveys necessary to support the development of land use plans. In executing its development review responsibilities, M-NCPPC evaluates proposed subdivisions and site plans for stormwater and other impacts on floodplain, trees, slopes, wetlands, streams, wildlife, fisheries, and other natural features. M-NCPPC applies its environmental guidelines to reserve and protect forest conservation areas, stream buffers, and other sensitive features. In administering the County's Forest Conservation Program, M-NCPPC ensures compliance with requirements for both forest protection and planting by developers for specific sites through the development review process, and on a county-wide basis, through master plans and an overall forest conservation plan. The agency also maintains responsibilities for development projects occurring within SPAs, addressing levels of imperviousness, forest creation and protection, and compliance with master plan directives, environmental guidelines, and county regulations.

M-NCPPC is responsible for protecting, preserving, and managing natural resources in County parks, including streams, fish, wetlands, forests, and wildlife. Within the park system this is accomplished through a wide variety of ongoing programs including: 1) resource inventory functions; 2) reforestation; 3) wildlife and fisheries management; 4) aquatic and wetland habitat enhancement; 5) environmental and engineering review of construction plans; 6) direct performance or participation in design and construction, and construction management of proposed stormwater management facilities located on parkland, including stormwater retrofit and stream restoration projects; 7) maintenance of these facilities; and 8) water quality monitoring activities within park areas as necessary to support these specific functions.

4. State of Maryland --The State of Maryland has delegated the responsibility to plan for the adequate provision of water and sewer service to Montgomery County. The following State agencies oversee that responsibility and other, related planning and water quality programs:

a. Maryland Department of the Environment (MDE) -- Under State Law, the Maryland Department of the Environment (MDE) is responsible for the State's review and approval of this Water and Sewer Plan. MDE adopts and administers regulations that each county must follow in the preparation of its comprehensive plan, and acts to approve, approve with modifications, or disapprove the Plan or any Plan amendment submitted by the County. MDE coordinates State grant and loan programs for major water and sewer infrastructure improvements. MDE also regulates the discharge of treated wastewater into State waters, through its permit issuing and monitoring programs.

b. Maryland Department of Planning (MDP) -- The State's Department of Planning oversees the County's land use planning and zoning processes. MDP manages the State's Smart Growth programs which, in an effort to reduce sprawl development and make maximum use of existing infrastructure, direct State funding to identified, higher-density, primary funding areas. Water and sewer service planning is an integral part of the land use planning process, and MDP therefore reviews and comments on the County's comprehensive plan and any amendments for consistency with State and County land use planning, including Smart Growth objectives.

c. Montgomery Soil and Water Conservation District (MSWCD) -- The MSWCD promotes the effective management and conservation of soil and water and provides technical support and advice to farmers concerning the effects of agricultural activities on soils and water quality. The MSWCD works with farmers and other landowners to encourage the development and adoption of Soils Conservation and Water Quality Plans. MSWCD provides technical assistance to design and implements stormwater control BMPs that reduce erosion and improve water quality on agricultural land. In conjunction with the MSWCD, the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS) is responsible for dam safety review, when this review is required for certain stormwater pond designs. MSWCD has a Memoranda of Understanding (MOU) with the County to allow County reviews of sediment control, stormwater management, and dam safety. MSWCD and MDE adopt the local standards and specifications for sediment control. MSWCD also has an MOU with the City of Rockville to allow the City to review of sediment control and storm water management projects. NRCS, via MSWCD, reviews and approves the City's dam safety plans. MSWCD performs sediment control reviews and approvals for the City Gaithersburg.

5. Regional Agencies -- Montgomery County's community water and sewer needs also involve agencies and jurisdictions outside the State of Maryland. The County and WSSC coordinate with the following agencies on the use of regional resources. These governmental agencies, and their primary responsibilities, are described as follows:

a. District of Columbia Water and Sewer Authority (WASA) -- WASA owns and operates, among the District of Columbia's water and sewerage facilities, the Blue Plains Wastewater Treatment Plant (WWTP) where the majority of Montgomery County's wastewater is treated. An independent authority of the District government, WASA was created and began operating in 1996 under and pursuant to an act of the Council of the District entitled "Water and Sewer Authority and Department of Public Works Reorganization Act of 1996". Governed by an eleven member Board of Directors with six representatives from the District, two from Prince George's County, one from Fairfax County, and two from Montgomery County, WASA's authorizing legislation provides, in part, for the total separation and control of funds from the District Government.

The sewer service provided to Montgomery County by the Blue Plains WWTP is administered by a variety of related management interests and defined in regional agreements and adopted legislation. These include the Bi-County Agreement of 1983, the Intermunicipal Agreement of 1985, the WASA Board of Directors and related committees, the Blue Plains Regional Committee, and by the budget approval authority of the County Council. The details of these agreements and management systems are presented in Chapter 4.

b. Metropolitan Washington Council of Governments (COG) -- COG is the regional organization of the Washington area's major local governments and their governing officials. Founded in 1957, COG provides a forum for coordinated action on issues of regional concern, including water supply and watershed protection. This includes updating the region's water emergency response plan, assisting the water utilities and local elected governments in communicating concerns to regulatory agencies, and educating the region through conferences and publications on regional drinking water issues, such as water conservation. COG staff also coordinates and maintains regional databases on Potomac River water quality, water treatment plants, and wastewater plant discharges. COG's Environmental and Public Works Directors Committee advises the COG Board on regional policy issues associated with drinking water, water quality, and wastewater treatment.

c. Interstate Commission on the Potomac River Basin (ICPRB) -- ICPRB was created by interstate compact, and approved by Congress in 1940. Withdrawals from the Potomac River provide the majority of the county's water supply. Among its responsibilities, ICPRB helps control and prevent pollution of the waters within the Potomac drainage area; cooperates with, supports, and coordinates activities of public and non-public entities concerned with water and associated land resources in the Potomac River basin; promotes public understanding of these issues and activities, and the need for enhancement of the basin's resources; conducts drought operations management support for Potomac River water resources allocation for the Washington Metropolitan Area; and conducts short- and long-term water supply planning analyses. In carrying out its work, ICPRB works directly with WSSC, Fairfax County (Virginia) Water Authority, and the Washington Aqueduct Division of the U.S. Army Corps of Engineers.

In particular, the ICPRB Section for Cooperative Water Supply Operations on the Potomac (CO-OP) conducts drought operations management support for Potomac River water resources allocation for the Washington Metropolitan Area. In carrying out its work, CO-OP works directly with WSSC, the Fairfax County (Virginia) Water Authority, and the Washington Aqueduct Division of the Corps of Engineers. The CO-OP Section conducts monthly "Water Supply Outlook" analyses which are provided to WSSC, to other water suppliers, and to other interested entities; conducts annual real-time drought operations exercises; produces quintennial water demand forecasts and resource adequacy assessments for 20-year planning horizons; maintains 24-hour water resource emergency coordination; and operates releases from the region's water supply reservoirs during drought conditions.

E. Plan Structure and Content -- The structure and minimum content of this Comprehensive Water Supply and Sewerage Systems Plan is specified by the State laws and regulations referenced in Section I.C. of this chapter. The following briefly describes the structure of the plan and the contents of each chapter:

- **Chapter 1: Objectives and Policies** - This chapter provides the legal requirements for the plan; the County's overall objectives for water and sewer service; the policies addressing the provision of water and sewer service from community, multi-use and individual systems; and the procedures and organizational roles through which the County and State adopt, amend, and administer this Plan.
- **Chapter 2: General Background** - This chapter provides background information on Montgomery County's natural and man-made environment relevant to the provision of water and sewer service by both community and individual systems.
- **Chapter 3: Water Supply Systems** - This chapter provides information on the County's existing water supply systems and on planning efforts to ensure that the County's mid- and long-term water supply needs are and will be satisfied in a manner consistent with public policy and the plan's objectives. Regional planning issues, as they relate to the county, are also addressed.
- **Chapter 4: Sewerage Systems** - This chapter provides information on the County's existing sewerage systems and on planning efforts to ensure that the County's mid- and long-term sewerage needs are and will be satisfied in a manner consistent with public policy and the plan's objectives. Regional planning issues, as they relate to the county, are also addressed.

- **Appendices** - The appendices provide technical or reference information to supplement the Plan's four chapters. DEP updates portions of this information, such as the capital water and sewer projects listing, more frequently than the Plan's three-year comprehensive amendment cycle. Using an appendix for this information provides a more convenient method to accomplish these updates. DEP shall also post these updates on the water and sewer section of its website at www.askdep.com.
- **Water and Sewer Service Area Category and Systems Maps** - These maps identify the water and sewer service area categories designated in this Plan for all properties within Montgomery County. Paper copies of these maps may be purchased from DEP or the map may be viewed on DEP's website at www.askdep.com.

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

The water and sewer service policies addressed in this section of the Plan provide the basis for establishing what areas of the county will receive community versus individual systems service. The Plan uses water and sewer service area categories both to designate areas eligible for either community or private service and to provide a staging element for the provision of community service. These policies provide guidance not only in evaluating individual and general service area change amendments, but also in the preparation of development and water/sewer service recommendations in the County's land use master plans.

The County Council relies primarily on these service policies in evaluating and acting on Water and Sewer Plan amendments. However, the scope of the Council's responsibilities goes far beyond this Plan and includes issues such as the county-wide economic growth, public health and safety, transportation infrastructure, and public education. The Council has the authority and responsibility to consider such issues where they may affect its actions with respect to this Plan. Given this, the Council may reach conclusions regarding this Plan or its amendments which do not necessarily follow the policies provided in the following sections; in such cases, the Council will provide an explanation of the issues involved and rationale for actions that may vary from these standard policies.

A. Water and Sewer Service Area Categories -- In order to provide for the orderly extension of community water and sewer service, State regulations (COMAR 26.03.01.04) have established category designations for water and sewer service areas. These categories identify those areas approved or proposed for community service and those areas where development will depend on individual systems. In addition, some areas of the county are noted for special service conditions or restrictions, including those area where the County has approved the use of multi-use systems. Service area categories are shown on the water and sewer service area category maps which are a part of this plan.

1. Numbered Service Area Category Definitions - The County has modified the State's category definitions to more accurately reflect its planning process. All areas of the County are classified by this plan into one of the categories, with the exception of rights-of-way for public roads, railroads, gas and electrical transmission lines which are not assigned a category. The County's service area categories are as follows:

Table 1-T2: Service Area Categories	
Service Area Categories	Category Definition and General Description
W-1 and S-1	Areas served by community systems which are either existing or under construction. – This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.
W-2 and S-2	Categories W-2 and S-2 are not used in Montgomery County. (State definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)

Table 1-T2: Service Area Categories	
Service Area Categories	Category Definition and General Description
W-3 and S-3	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. – This includes areas generally requiring the approval of CIP projects before service can be provided.
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. – This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period.
W-6 and S-6	Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. – Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.

2. Service Area Special Conditions and Restrictions -- In specific cases, special conditions or restrictions are included with the service area category for a property affecting the provision of water and/or sewer service. For example, these conditions can specify the type of development suitable for community water and sewer service, specify the number of water or sewer hookups allowed, advise that existing community service is the result of prior water and sewer policies no longer in effect, or explain why community service is provided to a site outside the community water and/or sewer envelope.

The following special service conditions are examples of those used on the water and sewer service area category maps:

- Conditional approval has been granted to change the service area category for this property.
- Community service existed prior to the establishment of the Water and Sewer Plan and the service envelope.
- Community service was committed prior to master plan recommendations and/or policy determinations to exclude the general area from community service.
- Community service was extended in order to relieve a public health problem caused by a failing individual or multi-use system.
- Community service was extended to serve a public facility or a private institutional facility.
- Community service was extended to lots which were previously approved for individual systems but which are unable to utilize those systems due to changes in individual systems regulations.
- Community service is limited to specific development options only such as cluster-option development or development using transferrable development rights (TDRs).
- Community service was provided to properties which abut an existing water or sewer main.
- Community service is restricted to a single water and/or sewer hookup only. (This usually occurs in connection with another special service condition.)
- Multi-use systems are approved for this site.
- Interim on-site systems are approved for this site.

New conditions are sometimes created to address specific situations or new policies in this plan. The conditions as applied to a particular site may be general in nature and it is advisable to research specific conditions or restrictions with the Department of Environmental Protection.

B. Water and Sewer Service Development Policies by Service Area Designation -- The following policies govern the provision of water and sewer service under each of the County's service area categories:

1. Categories W-1 and S-1 -- Areas designated as categories W-1 and S-1 are intended to develop using community water supply and sewerage systems. As a general rule, **no new individual, on-site systems will be permitted** where an adequate community water or sewerage system is available. If an existing community water or sewerage system is **inadequate** or is **not available** as defined below, then an individual water or sewerage system may be used for an interim period. Such individual systems shall be subject to the conditions established in this Plan as the General Conditions for Interim Individual Systems (see Section III.B.1.).

a. Community Service is Inadequate -- An existing community water supply or sewerage system may be considered **inadequate** by DEP when service is prohibited by an Order of MDE, WSSC, or Montgomery County, due to inadequate conveyance or treatment capacity. Individual systems are then allowed subject to the General Conditions for Interim Individual Systems and the following additional conditions:

i. Community water service is available in areas where community sewer service is considered inadequate; and

ii. All subdivisions to be initially developed on interim individual systems shall construct dry community systems, as specified in Section III.A.4., Dry Community Systems. No waiver of this condition is allowed.

b. Community Service is Not Available -- An existing community water supply or sewerage system may be considered **not available** by DEP when, upon application for service to a utility, the utility makes a determination that it is not feasible for economic or engineering reasons to provide community service at that time. Such cases may include, but are not limited to, projects with excessive deficit charges, projects where intervening mains are to be constructed by other developers or individuals, or projects where pumped sewer service is not feasible due to excessive grades or site elevations. Interim individual systems approved under this condition shall be subject to the General Conditions for Interim Individual Systems (see Section III.B.1.) below.

An existing community water supply or sewerage system may also be considered **not available** when DEP makes a determination that it is a severe economic hardship for an individual house or other structure to be connected to the community system. This policy shall only be applicable to single residential hookups or to individual structures that are the equivalent of single residential hookups. Interim individual systems approved under this condition shall be subject to the General Conditions for Interim Individual Systems (see Section III.B.1.).

c. Public Health Hazards -- Under conditions of an **existing or anticipated health hazard**, as certified by DPS, DEP may require connections of existing individual structures to a community system if available, and may require service extensions where deemed desirable.

2. Categories W-2 and S-2 -- Categories W-2 and S-2 are not used in this Plan (see Section II.A.1.).

3. Categories W-3 and S-3 -- Areas designated as categories W-3 and S-3 are intended to develop using community water supply and sewerage systems. However, interim individual water supply and sewerage systems may be permitted to be installed in the W-3 and S-3 service areas consistent with the General Conditions for Interim Individual Systems set out below (Section III.B.1.). All subdivisions to be initially developed on interim individual systems shall construct dry community systems, as specified in Section III.A.4., Dry Community Systems. No waiver of this condition is allowed, except for single-lot subdivisions and subdivisions consisting of lots of two acres or larger in size.

a. Area-Wide Public Health Hazards -- Under conditions that a defined area of the county has an **existing or anticipated health hazard**, DPS, in coordination with DEP, may recommend the construction of a community system for water or sewerage service. Any such community system shall be operated by a public agency and be approved by the County Council as a formal amendment to the plan.

b. Individual Public Health Hazards -- Under conditions of an **existing or anticipated health hazard**, as certified by DPS, DEP may require the connection of existing individual structures to a community system, if available, and may require service extensions where deemed desirable.

4. Categories W-4 and S-4 -- Although programmed for water and sewer service from community systems, individual water supply and sewerage systems may be permitted to be installed in areas designated as categories W-4 and S-4 consistent with the General Conditions for Interim Individual Systems (Section III.B.1.). All subdivisions to be initially developed on interim individual systems shall construct dry community systems, as specified in Section III.A.4, Dry Community Systems. No waiver of this condition is allowed, except for single-lot subdivisions and subdivisions consisting of lots of two acres or larger in size.

a. Area-Wide Public Health Hazards -- Under conditions that a defined area of the county has an **existing or anticipated health hazard**, DPS, in coordination with DEP, may recommend the construction of a community system for water or sewerage service. Any such community system shall be operated by a public agency and be approved by the County Council as a formal amendment to the plan. The issues and alternatives relative to such a recommendation for properties in categories W-4 or S-4 will be reviewed by DEP as a proposed category change request, initiated by the County.

b. Individual Public Health Hazards -- Under conditions of an **existing or anticipated health hazard**, as certified in writing by DPS, DEP may require the connection of existing individual structures to a community system, if available, and may require service extensions where deemed desirable. DEP will coordinate a category change for the site, usually through the administrative delegation process, although WSSC need not await approval of such an amendment prior to providing community service.

5. Categories W-5 and W-6, and S-5 and S-6 -- Individual water supply or sewerage systems, not of an interim nature, shall be permitted to be installed in any portion of the County designated as categories W-5 or W-6 and S-5 or S-6, consistent with COMAR 26.03.01, 26.03.05, and 26.04.02 - .04, and County Executive Regulations 28-93AM, "On-Site Water Systems and On-Site Sewage Disposal Systems in Montgomery County". Individual systems may be installed within these areas on an indefinite basis without firm obligation to connect to a community system, when and if it becomes available.

Within areas designated as categories W-5 and S-5, the construction of dry community systems shall *not* be required for subdivisions or individual properties which develop using individual on-site systems. DEP may recommend water and/or sewer map amendments to designate subdivisions developing on individual systems as categories W-6 and/or S-6.

a. Area-Wide Public Health Hazards -- Under conditions that a defined area of the county has an **existing or anticipated health hazard**, DPS, in coordination with DEP, may recommend the construction of a community system for water or sewerage service. Any such community system shall be operated by a public agency and be approved by the County Council as a formal amendment to the plan. The issues and alternatives relative to such a recommendation for properties in categories will be reviewed by DEP as a proposed category change request, initiated by the County.

b. Individual Public Health Hazards -- Under conditions of an **existing or anticipated health hazard**, as certified in writing by DPS, DEP may require connections of individual structures to a community system if available, and may require service extensions when deemed desirable. DEP will coordinate a category change for the site, usually through the administrative delegation process, although WSSC need not await approval of such an amendment prior to providing community service.

C. Water and Sewer Service Planning in the Development Review Process – The provision of water and sewer service for new development is an integral part of the County's evaluation of development proposals. DEP's primary involvement in the County's development review process includes the following:

1. Development Plan Review -- The M-NCPPC Development Review Division manages the County's Development Review Committee (DRC), an interagency group which meets regularly to review and evaluate proposed development plans. DEP is the lead agency in the DRC with regard to water and sewer service planning issues. DEP staff report to the DRC on the consistency of the water and sewer service components of development proposals with respect to the County's Water and Sewer Plan. In order for a development proposal to proceed to the Planning Board for consideration, DEP and M-NCPPC staff need to confirm the consistency of the development plan with the policies and service area designations in the Water and Sewer Plan. WSSC staff also participate in this process with a focus on water and sewer systems design and capacity.

2. Record Plat Review and Approval Process -- Record plats legally establish subdivided properties in the County's land records. DEP staff review record plats prior to recordation to ensure that the type of water and sewer service intended to serve the development proposed by the plat is consistent with policies and service area designations in this Plan. As required by MDE, DEP staff also calculate a sewage treatment flow commitment for each plat which depends on community sewer service. MDE and WSSC track these flow commitments relative to the available treatment capacity at the appropriate sewage treatment plant in order to ensure that adequate treatment capacity is available for development approved by the County.

D. General Policies for Water and Sewer Service -- The water and sewer service area categories designated in this plan serve two functions: 1) they identify those areas of the county approved or planned for community water and/or sewer service and those areas intended for service by individual systems; and 2) for those areas planned for community service, they identify a mechanism for staging community service consisting of the application of the service categories W-1 through W- 5 and S-1 through S-5 described above to the properties within the county. The County Executive, through the Department of Environmental Protection, recommends service area categories based on the following policies addressing water and sewer service, land use, staging, and infrastructure policies included in this plan. The following policies provide general, county-wide guidance for the provision of community water and sewer service and individual, private water and sewer systems.

1. General Policies for Community Water Service -- Land zoned for moderate to high residential development densities of two or more units per acre (R-60, R-90, R-200, etc.) is intended for water service from community water supply systems. In the County's Zoning ordinance, two cluster-option zones also specifically call for the provision of community water service: the Low-Density Rural Cluster (LDRC) and Rural Neighborhood Cluster (RNC) Zones. Development occurring within these zones using the appropriate cluster option is intended to use community water service. Under the LDRC Zone, developers may choose to use individual wells if environmental conditions or concerns support that decision. The requirements of the RNC Zone allow for the consideration of community service for larger "conservancy" lots within the clustered subdivision where DEP and M-NCPPC staff concur that such service is appropriate, generally due to its proximity to community service. Where the provision of community water service is contingent upon the use of a cluster development option, the approval of service area category changes will generally be conditioned on the approval of subdivision plans using those cluster options.

In addition, the provision of community water service to areas zoned for lower-density development (RE-1, RE-2, etc.) may be considered under the following circumstances, provided that development with community water is consistent with the protection of surface and ground waters:

a. The provision of water service to areas zoned for "large lot" residential and rural development should be generally limited to those areas zoned RE-1, RE-2 and RE-2C/non-cluster option, and Rural Cluster (RC)/cluster-option; areas with other zones may be considered upon the recommendation of the Planning Board. For sites within the RC zone, the provision of community water service shall generally require approval of a subdivision plan which uses the cluster-option for the development; water service may also be approved in cases where zoning or subdivision regulations dictate that a given site has insufficient acreage to use the RC zone cluster option.

b. The provision of community water service must conform to the land use policies of the applicable master plan. In order to ensure consistency with the master plans, all category change requests for community water service to large lot areas will be submitted to M-NCPPC for review and comment on a case-by-case basis. The policy of providing community water service to large lot areas was first adopted in the Water and Sewer Plan in June 1990 (under CR 11-1953); the Council reviewed and approved some current local area master plans prior to the introduction of this policy. The decision to extend or restrict water service should focus on conformance with master plan land-use and development recommendations, rather than on generalized water service areas identified in these older master plans. Where the provision of water service to large lot areas promotes the land-use and development envisioned by the master plan and meets other economic and environmental standards, the approval of service and/or timing of service is appropriately handled by the adoption of water category changes as part of this plan. Requests for water service to large lot areas may be considered for administrative approval under the "Consistent with Existing Plans" policy (Section V.F.1.a.) in cases where the Planning Board concurs that the extension of service is consistent with the land-use and development policies of the master plan.

c. Extensions should generally be from existing or authorized water mains to allow orderly and logical extensions of the water system.

d. All costs associated with community water service to large lots will be paid by those directly benefitting from the extension of service. To ensure this goal is achieved, both of the following two conditions will apply to extension of water service to large lots:

i. Where intervening lots are subject to a potential front foot benefit assessment for a water main extension, the approving authority may condition a category change request to require the applicant to pay all main extension costs. Under the System Extension Permit (SEP) process, WSSC requires the applicant and/or developer to construct main extensions at their own cost, and then dedicate the extension to WSSC (see Section IV.A.2.). For mains constructed under the SEP process, the intervening lots would therefore not be assessed front foot benefit charges. This policy will prevent intervening lots from subsidizing line extensions benefitting new development.

ii. Funding for large-diameter water lines (16 inches or greater) and/or other improvements to local service line extensions cannot be provided through water and sewerage bonds financed by general water and sewer rates. These improvements must be funded either through the general bond program (with all costs retrievable through front foot benefit assessments associated with the proposed development and developer contributions), or through the SEP process in the WSSC Capital Improvements Program with developer contributions covering 100 percent of the capital costs (as is now required for CIP projects which support only new growth). Note that WSSC requires that only capital-size main extensions more than 2,000 feet in length must be included in the CIP. These policies will prevent extensions to large lot areas from impacting intervening lots and general user rates.

e. The provision of community water service to lower density areas can occur without the provision of community sewer service, requiring the use of individual septic systems. Development with only community water must be consistent with the protection of surface and ground waters. To assure this goal is achieved, DEP may require hydrogeologic studies of proposed development to assess potential impacts to ground and surface water quality from the use of individual sewerage systems. In order to address concerns about the clustering of septic systems in areas where zoning permits lot sizes of less than 40,000 square feet, DEP may, upon consultation with DPS and M-NCPPC, recommend minimum or average minimum lot sizes of 40,000 square feet for new development using community water service and individual sewerage systems. (This lot size is the minimum required for RE-1 zone/non-cluster development.)

This Plan recognizes that some rural areas of the county with moderate-density zoning (R-200, RMH-200, etc.) may be beyond the logical and economical reach of existing or planned community service. These areas will be served by individual systems.

Local area master and sector plans may recommend exceptions to the general policies contained in this Section (see Section II.E.1.).

This plan intends that community water service shall be extended in concert with community sewerage service, unless specific limitations of the community water system make it unreasonable to provide such service. The provision of community water service without community sewer service to areas zoned for two or more units per acre (R-200) density is discouraged wherever possible; in cases where such service is approved, the development plan must provide adequate protection for ground and surface waters as discussed in Subsection e. of this policy.

2. General Policies for Community Sewer Service -- Land zoned for moderate to high development densities of two or more units per acre (R-60, R-90, R-200, etc.) is intended for sewer service from community sewerage systems. Where local area master plans recommend cluster-option development in zones with lower average lot yields (i.e., RE-1 or RE-2C Zones), and where clustered lot sizes are generally comparable to those in moderate and high-density zones, the provision of community sewer service is consistent with this plan. In the County's Zoning ordinance, two cluster-option zones also specifically call for the provision of community sewer service: the Low-Density Rural Cluster (LDRC) and Rural Neighborhood Cluster (RNC) Zones. Development occurring within these zones using the appropriate cluster option is intended to use community sewer service. The requirements of the RNC Zone allow for the consideration of community service for larger "conservancy" lots within the clustered subdivision where DEP and M-NCPPC staff concur that such service is appropriate, generally due to its proximity to community service. Where the provision of community sewer service is contingent upon the use of a cluster development option, service area changes will generally be conditioned on the approval of subdivision plans using those cluster options.

This plan recognizes that some rural areas of the County with moderate-density zoning (R-200, RMH-200, etc.) may be beyond the logical and economical reach of existing or planned community service. These areas will be served by individual systems. Areas zoned for lower-density residential development (RE-1, RE-2, etc.) are also intended to be served by individual systems.

Local area master and sector plans may recommend exceptions to the general policies contained in this Section (see Section II.E.1.).

3. Water and Sewer Service Policies for Non-Residential Zoned Areas -- The preceding sections focused on policies related to residential zoning and development densities. For areas zoned for commercial and industrial development, the provision of community water and sewer service or the use of individual on-site systems shall be generally consistent with the type of service used for adjacent or nearby residential development.

Areas zoned for rural development, the five-acre (Rural or RC/non-cluster) and twenty-five acre (Rural Density Transfer (RDT) zones, are generally not intended to be served by community systems. However, case-by-case exceptions can be considered where community service is logical, economical, environmentally acceptable, and does not risk extending service to non-eligible properties. Subsequent policies included in Section II.F. identify the conditions under which these exceptions can be considered, including public health problems, public facilities, properties abutting existing mains, etc..

4. Consistency with Comprehensive Planning Policy -- Water and/or sewer service should be extended systematically in concert with other public facilities along the corridors as defined in the General Plan, to accommodate growth only in areas covered by adopted local area master or sector plans. Guidance for the type, amount, location and sequence of growth is contained in the comprehensive planning policies of the County as adopted by the County Council. These policies are expressed in detail in the General Plan and the various master and sector plans which constitute amendments to the General Plan. Various functional plans, such as the Water and Sewer Plan, should be consistent with these comprehensive planning policies. In addition, the Water and Sewer Plan should consider other adopted or proposed policies of various agencies affecting land use, including guidelines for the administration of the Adequate Public Facilities Ordinance.

This Plan intends that water and sewer service decisions should follow and implement the land use and development guidance established in the County's General Plan and local area master plans. A variety of factors influence policy decisions concerning the density or type of development for a particular area: overall land use guidance; transportation and school capacity; environmental protection; local and county-wide

housing and commercial demand; compatibility with existing development; and suitability for individual, on-site systems. The proximity of water and/or sewer mains to an area of the county, also one of these factors, should not serve as the primary driver of these policy decisions. The availability of community service can provide for development options, such as cluster, which might not be possible with the use of individual systems.

Recommendations for service area category actions that are inconsistent with the policies described in the comprehensive planning policies or any other policies listed in this Plan will be accompanied by explanations showing what factors have changed significantly since the adoption of the original policies, and/or what elements of the comprehensive planning policies should be amended to more appropriately reflect current conditions or concerns. Such explanations will identify what specific considerations are relevant to the individual recommendations, including as appropriate: economic and fiscal concerns; population estimates; planning; zoning and subdivision requirements; federal, state, regional, county, and municipal planning efforts; residential commercial and industrial needs; availability and adequacy of public facilities; energy conservation; water and sewage treatment capacity; engineering constraints; environmental protection; and the alleviation of public health problems.

DEP staff participate in the master plan development, review and approval process, to address water and sewer service issues. Master plans make recommendations concerning the use of community and individual water supply and sewerage systems to support zoning recommendations and to implement specific development proposals. These recommendations are made with an understanding of the County's general water and sewer service policies, as adopted in this Plan. Where master plans make water and/or sewer service recommendations which are not in agreement with the general policies of this plan, an explanation and justification of those recommendations is provided in the master plan and subsequently incorporated in future Water and Sewer Plan updates (see Section II.E.1.).

A category change request for a property in an area where a new master or sector plan is in preparation shall be deferred until the Council has adopted a plan for the area. DEP may recommend exceptions to this requirement where the County Council and the Planning Board concur that a more expedient review and actions process is appropriate for a particular amendment, and the proposed action is 1) consistent with existing master plan recommendation, 2) consistent with water and sewer planning policies and 3) that the master plan update is not expected to change these policies. A master or sector plan is considered "in preparation" at the time the M-NCPPC staff draft of the plan is complete. The Council shall also defer action on Plan amendments to allow another process to proceed without bias before making a decision on the amendment. Often the other process involves a land use or zoning decision which is relevant to the decision on water and sewer service, or which could be potentially influenced by the Council's action on the issue of water and sewer service. Commonly, these actions include rezoning and special exception requests addressed by the Council and the County Board of Appeals, respectively.

Individual service area category change requests which DEP finds to be consistent with the general community water and sewer service policies of this Plan and with relevant master plan recommendations may be considered for approval under administrative delegation policy, Section V.F.1.a.: Consistent with Existing Plans.

E. Special Policies for Water and Sewer Service – In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

1. Master Plan Recommended Exceptions -- The preceding sections discussing general water and sewer service policies noted that local area master plans may recommend exceptions to those general service policies. In order to implement specific development and land use strategies, a master plan may recommend policies for community water and/or sewer service which can be either less restrictive or more restrictive than this Plan's general service policies. When a master plan makes such a recommendation, it must also include an appropriate justification for the recommended departure from the general policies. DEP staff coordinate closely with M-NCPPC staff with regard to the water and sewer service recommendations developed in local area master plans.

These exceptional recommendations are, of necessity, scattered throughout the County's various local area master plans. The following table is intended to consolidate and summarize these recommendations into convenient format and to make them part of this Plan. For additional information concerning these issues, please refer to the master plans cited below.

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	Master Plan Service Recommendation & Comments
Cloverly Master Plan (1997)	
Area zoned RE-2 bounded by Norwood Rd., New Hampshire Ave.(Rte. 650), Hampshire Greens, and Northwest Branch	The master plan recommends against community sewerage systems serving residential, commercial, or institutional development except to relieve public health problems, or to address other specific Water and Sewer Plan policies.
Area zoned RE-1 located within the Upper Paint Branch Special Protection Area/Environmental Overlay Zone	The master plan recommends that community sewer service may be considered where logical and economical, and where the provision of community service provides an environmental benefit over development occurring using on-site septic systems. This condition is usually evaluated as part of the subdivision plan review.
Damascus Master Plan (1985)*	
RE-2C zoned areas	The master plan recommends against the provision of community sewer service for much of the RE-2C zoned area around Damascus, regardless of whether that development is using the RE-2C cluster option. Community sewer service is available under this zone only where included in the master plan's recommended service envelope.
Heritage Builders Property (The Plantations), Zoned RE-2	The 1993 Damascus master plan amendment for recommended community sewer service for this site. This followed the Council's 1990 conditional approval of a sewer category change request for this site, requiring just such a master plan recommendation.
Fairland Master Plan (1997)	
Areas zoned RE-1 located within the Upper Paint Branch Special Protection Area/Environmental Overlay Zone	The master plan recommends that community sewer service may be considered where logical, economical, and environmentally acceptable.
Benderly Property zoned RC north of Sandy Spring Rd. (Rte. 198), east of Columbia Pk. (U.S. 29), and west of the proposed U.S. 29 realignment.	The master plan recommends allowing the provision of community sewer service to the portion of Parcel P195 located between existing and proposed Columbia Pike alignments. The approval of such service will depend on the approval of an appropriate special exception use for the site.
Olney Master Plan (1980)*	
Southeast Quadrant bounded by Georgia Ave. (Rte. 97), Norbeck Rd. (Rte. 28), Norwood Rd., Dr. Bird Rd., Olney - Sandy Spring Rd. (Rte. 108), and Old Baltimore Rd.	The master plan recommends considering community sewer service in this area for properties which satisfy the following: <ul style="list-style-type: none"> ▪ Rezoned from RE-2 to either Rural Cluster (RC) or Low-Density Rural Cluster (LDRC); and ▪ Development must occur using the RC or LDRC cluster development option.

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	Master Plan Service Recommendation & Comments
Potomac Subregion Master Plan (2002)	
Piney Branch Watershed	The provision of community sewer service within this watershed is regulated by the Piney Branch Restricted Sewer Access Policy (see Section II.E.12.b. for specific policy requirements). This policy was amended in 2002 in accordance with the recommendations in the updated 2002 master plan.
Glen Hills Neighborhoods (as defined in the 2002 master plan.)	The master plan recommends that only documented public health problems shall be justification for the approval of sewer service area category changes within this area, pending the completion of an area-wide sanitary survey by DPS and DEP.
Properties zoned RE-1 or RE-2 at the periphery of the master plan's recommended community sewer service envelope	The master plan recommends that these properties may be considered for community sewer service on a case-by-case basis.
Darnestown Triangle: R-200 zoned area bounded by Darnestown Rd. (Rte. 28), Jones Ln., and Turkey Foot Rd.	The master plan recommends against the provision of community sewer service in this area, except to relieve public health problems or to provide single sewer hookups to properties which satisfy the "Abutting Mains" policies (See Section II.E.3.).
Upper Rock Creek Watershed Master Plan (1985)*	
Properties zoned RE-1 and RE-2 north of and adjacent to Muncaster Mill Rd. (Rte. 115).	<p>The master plan recommends that community sewer service may be considered on a case-by-case basis for properties which satisfy the following conditions:</p> <ul style="list-style-type: none"> ▪ sewer service requires only a direct connection to existing mains along Muncaster Mill Rd., without the need for new sewer main extensions; ▪ sewer service requires only the use of gravity connections and hookups (no pumping systems are permitted); and ▪ sewer service will support development which will not result in environmental degradation of Rock Creek.
<p>* These master plans are currently under or are soon scheduled for revision. These revisions may affect the exceptional water/sewer service recommendations provided in this table. DEP will post amendments to this table in the water and sewer section of its website at www.askdep.com.</p>	

2. Community Service to Relieve Public Health Problems -- Community water and/or sewer service may be extended to existing structures to alleviate or eliminate existing or anticipated public health problems, upon certification of such by the Director of the Department of Permitting Services (DPS) or his or her designee. DEP, in coordination with WSSC, shall evaluate whether the provision of community service is reasonable. If appropriate, DEP will direct WSSC to expedite the provision of community water and/or sewer service either by a connection to existing mains or by the extension of new mains in order to relieve the public health problem. Under these circumstances, community service will be provided regardless of the existing service area category, and WSSC need not wait for a service area change approval in order to plan, design, or implement the service. DEP may act to approve related service area changes through the administrative delegation process, Section V.F.2.a.: Public Health Problems. In such cases, community service will generally be limited to a single water and/or sewer hookup for existing properties. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems. In addition, DEP will coordinate with DPS to identify, as necessary, larger-scale, chronic public health problem areas and to recommend solutions for those problems in this plan. A decision to extend community service will depend on the number of properties affected, the feasibility of service, and the viability of alternative relief methods.

3. Community Service for Properties Abutting Existing Mains -- Under specific and limited circumstances, community water and or sewer service may be provided to properties which abut an existing or approved water and/or sewer main. The provision of community service requires that the property, or a structure on the property must have been established prior to the extension of the abutting main. A residence, business, or institution (church, school, etc.) qualifies as an existing structure; a barn, garage, or other type of outbuilding does not qualify. The provisions of this policy do not include community service for private institutional facilities (PIFs), which must be addressed through the PIF policy (see Section II.E.4.).

Community service must be technically feasible from the abutting main. Major water and sewer transmission mains and sewer force mains cannot support individual service connections and hookups, and therefore do not qualify abutting properties for community service under this policy.

This policy may be used in cases where a property is not otherwise eligible for such service under the general policies of this Plan. Under this policy, the provision of community service is allowed under the following circumstances:

a. Single Hookups Only -- A single water and/or sewer hookup only is allowed for an individual property or for a structure which abuts an existing or approved water and/or sewer main. The subject property or structure must predate the abutting main. A change in the property configuration due to the dedication of land for a public use such as a road right-of-way or park land shall not invalidate this allowed single hookup. Neither shall an exchange of land between adjacent, qualifying properties invalidate this allowed hookup, provided the overall number of qualifying lots—and therefore allowed hookups—remains the same. DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.2.b.: Properties Abutting Existing Mains).

DEP may direct WSSC to provide an allowed single, residential water and/or sewer hookup upon 1) staff confirmation that the property qualifies for service under this policy, and 2) DEP's receipt a category change request for the property. Only in such cases may DEP approve service from an abutting main in advance of granting the actual service area category approval. Commercial and institutional uses must first receive the required service area change.

b. Single Hookups for Residual Properties -- The allowed single-hookup may be assigned to an existing or proposed remainder or residual of a property provided that the following conditions are satisfied:

- i. the original property would have qualified for a single hookup under Section II.E.3.a. above, and the residual site still abuts the existing main; and
- ii. that the allowed hookup has not been used elsewhere on the property; community service provided elsewhere on the subject property consistent with both Water and Sewer Plan policies and master plan recommendations shall not be considered to have used this one allowed hookup.

DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.2.b.: Properties Abutting Existing Mains) provided that:

- all of the residual properties involved are still under common ownership, or
- none of the other residual properties from the original abutting property could qualify under this policy for the allowed hookup because they do not abut the subject water or sewer main.

In cases where the property receiving water and/or sewer hookup is part of a pending subdivision plan, DEP will condition the final category change approval on approval of the subdivision plan which specifies the lot receiving the allowed water and/or sewer hookup. DEP shall refer cases where the residual qualifying properties are under different ownership to the County Council. DEP shall make every reasonable attempt to notify the owners of those qualifying properties of the pending category change request amendment and of the Council's hearing for that amendment.

c. Single Hookups for Combined Properties – A single allowed water and/or sewer service hookup for a qualifying property may be also applied to additional contiguous, commonly-owned properties if those properties are subdivided into a single qualifying property. Only one single water and/or sewer hookup for the entirety of the combined properties shall be approved in such cases, so that the provision of community service does not promote the further subdivision of additional lots. DEP will condition the final category change approval on approval of the subdivision plan combining the properties. DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.2.b.: Properties Abutting Existing Mains).

d. Multiple Sewer Hookups -- In order to protect and preserve sensitive environmental features on the site (e.g. stands of trees/forest, wetlands, etc.) that would be potentially harmed by the installation of septic systems, while also limiting the effects of sewer-supported development, community sewer service may be provided to a property abutting an existing sewer main provided all the following conditions are satisfied:

- i. The site would qualify for a single sewer hookup under section 3.a. above;
- ii. The site contains sensitive environmental features that DEP, in consultation with M-NCPPC, determines would be preserved to a greater extent by the provision of community sewer service rather than the construction of septic systems;
- iii. The number of sewer hookups allowed shall not exceed the number of lots which could have been approved for septic systems, based on a review of the site conditions (soils, groundwater conditions, local history, etc.) by DEP in consultation with DPS and M-NCPPC, and assuming that at least one sewer hookup is allowed;
- iv. That all the proposed sewer hookups can be provided from the abutting mains: no on-site main extensions are required, no off-site main extensions or hookups (special connections) are required, and no rights-of-way from other properties are required.

This policy cannot be applied in cases where the County Council has expressly restricted access to the abutting main as specified under the Limited Access Water and Sewer Mains policy (see Section III.A.2.). The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

e. Abutting Mains Land Use Policy Issues – M-NCPPC staff and the Planning Board have raised concerns about the land use implications of the abutting mains policy, which can allow for the development of a property which would not have otherwise occurred without the provision of community service, especially community sewer service. Of particular concern are commercial and institutional uses which may have substantially more imperviousness than a single residential use. In this regard, the Board has recommended restrictions for this policy, including wastewater flow restrictions, with the intent that they function within this Plan as controls over commercial and institutional land uses. However, this is at odds with efforts initiated by DEP over the past decade, and approved by the County Council, to remove land use control functions from the abutting mains policy, preferring to allow that control to occur more appropriately in the County's zoning and subdivision regulations.

Water and Sewer Plan Recommendation

The Council recommends that M-NCPPC and County agency staff pursue appropriate land use restrictions, such as imperviousness limits, in the zoning ordinance and/or subdivision regulations, rather than use wastewater flow or other restrictions in the abutting mains policy as a means of controlling land use.



4. Community Service for Private Institutional Facilities -- This Plan defines private institutional facilities (PIFs) as buildings constructed for an organization which qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service). The provision

of community water and/or sewer service to such facilities shall be addressed on a case-by-case basis by the following policies:

a. Facilities Located Within the Community Service Envelopes -- For private institutional facilities located within the acknowledged water and/or sewer envelopes, service area category changes may be approved by DEP through the administrative delegation process (Section V.F.1.a.: Consistent with Existing Plans). For a specific site, the acknowledged water and sewer service envelopes may differ due to the general water and sewer service policies (Section II.D.) included in this Plan .

b. Facilities Located Outside the Community Service Envelopes -- For existing or proposed PIF uses located outside the acknowledged water and/or sewer envelopes, the County Council shall consider requests for the provision of community service for PIF uses according to the following criteria:

i. Sites Abutting Existing Water and/or Sewer Mains -- For cases where existing or approved water or sewer mains abut or will abut a property, service area category amendments may be approved for sites with an existing PIF use and for sites proposed for a new or relocating PIF use.

ii. Sites Requiring New Water and/or Sewer Mains Extensions -- For cases where the provision of community service for a PIF use requires new water and/or sewer mains, the following criteria shall apply:

- For existing PIF uses, service area category amendments may be approved for sites only where required water and/or sewer main extensions do not threaten to open undeveloped land to development contrary to the intent of the relevant local area master plan.
- For new or relocating PIF uses, service area category amendments may be approved for sites only where required water and/or sewer main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan.

c. Main Extensions for PIF Uses -- Main extensions outside the acknowledged community service envelopes, where required, shall be designated "Limited Access" consistent with the Limited Access Water and Sewer Mains policy (see Section III.A.2). Where community sewer service for a PIF use will be provided by low-pressure mains, those mains shall be dedicated only to that PIF use and generally not eligible for additional service connections. The County and WSSC may make limited exceptions to this requirement to allow for the relief of failed septic systems, where such service is technically feasible.

PIF uses may receive service from limited access water or sewer mains where the Council has specifically approved access to those mains. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

Under its Systems Extension Permit (SEP) process, WSSC now requires that all commercial and institutional service applicants construct and pay for the community systems main extensions needed to serve their projects. In cases where more than one PIF use proposes to locate on a site requiring a pump and low-pressure main extension, WSSC requires that each institutional facility have a separate pump and pressure main system. The County and WSSC shall not support the provision of community sewer service for a PIF use where that service will require a WSSC-owned and operated wastewater pumping station which does not also support community sewer service for other non-PIF uses consistent with the service policies of this Plan.

d. PIF Uses in Existing Residential Structures -- The Council may deny service area category amendments for PIF uses located outside the acknowledged water and/or sewer envelopes where main extensions are required for private institutional facilities seeking community service for existing residential structures. This could result in the extension of community water and/or sewer service for structures which would not otherwise be eligible for such service, and which could return to residential use.

e. **PIF Policy Directions** – The Council originally adopted a Water and Sewer Plan service policy addressing PIF uses with three primary goals in mind:

- To continue to support, where the provision of community service is reasonable, the county's private institutional facilities, which the Council recognized as having an important role in their communities and for their residents;
- To provide more objective and consistent criteria in evaluating PIF cases; and
- To limit the potential impact of water and sewer main extensions outside the community service envelopes to support PIF uses.

The PIF policy has accomplished the preceding goals, at least to some extent. However, it has also created unintended concerns, involving complex relationships between differing public policies and affecting private institutions needing space to locate and grow within an often fiercely competitive Real Estate market. This makes less costly land, usually located outside of the community water and sewer service envelopes and zoned for lower-density development, more attractive to institutional uses. Among the concerns which have come to the attention of both the County Council and County agency staff are the following:

- The policy has resulted in the clustering of PIF uses at the edge and outside of the acknowledged community water and/or sewer service envelopes.
- The policy has facilitated the siting of PIF uses on properties where the institutional use and its ancillary needs, especially parking, can create imperviousness far in excess of that normally resulting from residential uses, leaving little open space and creating water quality problems.
- The policy has facilitated the siting of PIF uses within the county's RDT-zoned agricultural preserve areas.
- The policy has promoted speculative interest in sites because of their potential ability to satisfy the PIF policy requirements, not because a specific private institution has a need for that site.
- The policy does not provide guidance concerning institutional subdivisions, where two or more PIF uses subdivide and locate on an existing property approved for community service.
- The policy can not address issues beyond the scope of the Water and Sewer Plan, such as community compatibility, traffic congestion, and alternate facility uses.

DEP, other County agency, and County Council staff representatives have begun a review of the PIF policy, with particular attention to the preceding issues. The PIF policy adopted in this Water and Sewer Plan contains changes from the original PIF policy which address some of these concerns. Among these are restrictions preventing public support for community service to PIF uses where WSSC pumping facilities would be required, and policies requiring private institutions to act as the applicants for PIF-based service area change requests (see subsection c., above.) However, further interagency work on the impact of PIF uses is needed not only in the context of the Water and Sewer Plan, but also in other County plans and policies.

Water and Sewer Plan Recommendation

The County cannot address all of the issues affecting private institutional uses only within the context of the Water and Sewer Plan. Addressing these issues will involve considering changes to other aspects of the County's land use planning, zoning and water quality protection processes. The County will likely need to address these institutional uses in the context of its master plans, zoning and subdivision ordinances, and water quality regulations. M-NCPPC staff and the Planning Board are urged to pursue options for establishing imperviousness limits for institutional facilities locating in rural and rural estate zones.

5. Community Service for Public Facilities -- Public facilities are defined as government-owned buildings or facilities; this includes municipal, county, state, and federal governments. Community water and sewer service may be provided to serve existing public facilities and to support the development of approved new public facilities, including those facilities which are located outside of the acknowledged community water and/or sewer service areas. DEP may act to approve service area changes for public facilities through the administrative delegation process, Section V.F.1.c.: Public Facilities. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

6. Community Service for Properties Affected by Public Improvements -- Community water and/or sewer service may be approved for a property where public infrastructure improvements such as road construction will directly remove, damage, or otherwise adversely affect that property's individual, on-site well or septic system. DEP shall coordinate the review of these requests, as appropriate, with the County's Department of Public Works and Transportation (DPWT). DEP may act to approve service area changes for these properties through the administrative delegation process, Section V.F.1.c.: Public Facilities. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

7. Community Service for Community Development Projects -- Community water and sewer may be provided in support of community development projects which have previously been approved following a public hearing. Such projects may include officially designated renewal and redevelopment areas, neighborhood and community improvement programs, projects approved for productivity housing, rural village programs, historic preservation projects, and housing subsidized by Federal, State or local government, upon the recommendation of the Director of the County Department of Housing and Community Affairs. DEP may act to approve service area changes in these cases through the administrative delegation process, Section V.F.1.e.: Community Development. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

8. Community Service for Transferable Development Right Receiving Areas -- Given the development densities proposed, the provision of community water and sewer service is generally required for areas zoned as transferable development right (TDR) receiving areas. In cases where the base zoning of the property is **not** suitable for the provision of community water and/or sewer service (RE-1, RE-2, etc.), the provision of community service shall require Planning Board approval of a preliminary subdivision plan which uses the TDR-development option. DEP may act to approve service area changes in these cases through the administrative delegation process, Section V.F.1.a.: Consistent with Existing Plans. That policy includes an option for holding a joint public hearing for the service area change and the TDR-option preliminary plan. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

9. Community Water Service for Child Lots -- Community water service may be provided to support the subdivision of lots for the children of the owners of qualifying properties. Montgomery County's zoning and subdivision regulations make special provisions for the creation of these lots which are generally located in the more rural areas of the county, primarily in the Rural Cluster, Rural and Rural Density Transfer Zones. The size of the lots to be considered for service under this policy is intended to be in the range of those included in the water service for large lot provisions in Section II.D.1.: between 1 and 5 acres. Approval

of a service area change to allow community water service must be dependent on Planning Board approval of a preliminary plan for the proposed child lot. In areas zoned RDT, where child lot cases are handled as minor subdivisions without the preparation of a preliminary plan; service area changes will depend on an M-NCPPC notice to DEP that the subdivision plat is ready for Planning Board approval. DEP may act to approve service area changes in these cases through the administrative delegation process, Section V.F.1.f.: Child Lots.

Water service in these cases is generally intended to be provided from abutting water mains, although water main extensions can be considered where those extensions are consistent with the requirements for large lot development, as previously cited. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

10. Community Service Due to Individual On-Site Systems Regulations Changes -- Community water and/or sewer service, restricted to a single water and/or sewer hookup, may be provided to a parcel or a recorded lot that meets both of the following conditions:

- a. The applicant must demonstrate that the lot was recorded by plat on the basis of successful sewage percolation or water supply tests, but due to change in regulation, the lot can no longer satisfy State and County regulations for individual, on-site systems; and
- b. Community service can be provided in a cost-effective and environmentally-acceptable manner.

DEP may act to approve service area changes for public facilities through the administrative delegation process, Section V.F.1.d.: Individual Systems Regulations Changes. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

11. Reverse Category Changes -- The County may approve "reverse" service area changes from categories 1, 3, or 4 to categories 5 or 6 in cases where development established using individual, on-site systems will be unlikely to need community service within the lifetime of the Plan. Although DEP staff shall be primarily responsible for identifying areas eligible for reverse changes, individual property owners may also seek reverse category changes. DEP may act on reverse service area category changes through the administrative delegation process (Section V.F.1.a.: Consistent with Existing Plans). DEP may also act through the administrative process (Section V.F.3.a.) to "update" service area category 1 areas to category 3, to better identify those properties without immediate access to community service.

This Plan recommends against changes from water and sewerage service area categories 1, 3, or 4 to categories 5 or 6 strictly for the purpose of avoiding the assessment of front-foot benefit charges (see Section IV.A.2.b.). Applications for assessment-based reverse category changes shall be addressed by the County Council. Changes in WSSC's assessment procedures now allow for a hiatus on assessments for properties with functioning individual systems which abut mains authorized starting in 1995 regardless of their service area category.

12. Special and Restricted Community Service Areas -- In addition to the preceding policies, the County may also designate specific areas for or restrict specific areas from community water and/or sewer service in order to achieve specific development goals, to promote environmental protection, or to address other special concerns. These areas are shown in Figure 1-F3 and are listed below:

- a. **Oaks Landfill Special Water Service Area** -- The County approved the extension of community water service to the vicinity of the Oaks Landfill, located between Mt. Zion and Laytonsville, in 1995. The extension of community water service provides public water for approximately 155 existing eligible dwellings in the community surrounding the landfill site. DEP investigated low-level groundwater contamination in the northwestern area of the Oaks Landfill starting in 1992. While the level of contamination was less than the Maximum Contaminant Limits established by the U.S. Environmental Protection Agency under the Safe Drinking Water Act, it remained persistent. Community water service is provided to this vicinity to relieve anxiety in the community and to avoid potential long-term costs due to an extensive domestic well

Figure 1-F3: Special and Restricted Community Water and Sewer Service Areas



MAP LEGEND

- Special/Restricted Water Service Areas*
- Special/Restricted Sewer Service Areas*
- Major Roads**
- County Roads
- State Roads and Highways
- US & Interstate Highways
- Localities
- Selected Municipalities
- M-NCPPC Planning Areas

*For additional information, see Chapter 1, Section II.E.12.

Montgomery County, Maryland
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Watershed Management Division
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sampling program in the community. The County's actions are in accordance with provisions of the 1983 Oaks Landfill Mediated Agreement, an agreement between the County and the community near the landfill. The supply water system was completed in 1998.

The special water service area envelope, which encompasses parts of the Olney and Upper Rock Creek Planning Areas, includes the potential service area from the 1983 mediated agreement, plus other properties in the vicinity that can logically be served by the community water system. The potential service area described in the agreement is based on the Oaks Landfill potential groundwater influence area, which is the "boundary that establishes the maximum potential water service area to be considered for an alternative water supply system," according to a consultant's 1981 hydrogeologic report of the landfill vicinity. Part of the special service area within the Olney Planning Area is zoned Rural Density Transfer (RDT), which is not normally recommended for community water service in this plan. The provision of water service to these RDT-zoned areas does not establish a precedent for community water service for similarly-zoned properties outside of the special water service area.

Water service is provided to the Mt. Zion community at the intersection of Zion and Brookeville Roads, which is located partly within the landfill's potential groundwater influence area. Many of the homes in this community have substandard, hand-dug wells which will be relieved by the provision of community water service. The County is also extending water service along Meredith Drive east of Muncaster Road where groundwater contamination unrelated to the Oaks Landfill affected homes using wells.

The solid waste disposal fund financed all of the capital costs for design and construction of the water mains, as well as the costs for connections to existing homes that elect this service. Incurred costs include those for the construction of water mains, connections, and hookups; for plumbing repairs inside structures to assure adequate water pressure, for WSSC inspection fees, for domestic well abandonment, and for payment of quarterly water bills. New houses and other structures built after 1995 within the special water service area are also eligible for community water service. However, they must connect to the community water system at their own cost and receive no County subsidy of quarterly water bills. Homes along the eastern half of Meredith Drive will also receive no County water bill subsidy.

b. Piney Branch Restricted Sewer Service Area -- In 1991, the County Council established a policy to restrict the availability of community sewer service in the Piney Branch Watershed, which is designated as one of the county's Special Protection Area watersheds. Through the Piney Branch Sewer Restricted Access Policy, the Council sought to limit the growth of public sewer-dependent development within and near this environmentally-sensitive watershed, particularly within the areas of the watershed zoned for one- and two-acre development. The Council subsequently amended the policy in March 1997 under CR 13-830 and again in October 2002 under CR 14-1481. By these actions, the Council has specifically designated the Piney Branch Trunk Sewer and its tributary mains as **Limited Access** mains (see Section III.A.2.).

This restricted access policy was recently reexamined in the context of interrelated land use, zoning, and sewer service recommendations in the 2002 Potomac Subregion Master Plan; the following conditions reflect the policy changes recommended by the new master plan. In order to be eligible for community sewer service, properties within the Piney Branch watershed must satisfy at least one of the following conditions, i. through vi.:

- i. Properties designated as Sewer Stages I or II in the 1980 Potomac Subregion Master Plan;
- ii. Properties which the Piney Branch Trunk Sewer Right-of-Way either traverses or abuts, including properties adjacent to, and commonly owned with, these abutted or traversed properties as of December 3, 1991;
- iii. Properties with approval or conditional approval for sewer categories S-1 or S-3 as of December 3, 1991;
- iv. Properties with documented public health problems resulting from failed septic systems where the provision of public sewer service is logical, economical, and environmentally acceptable; or

v. Properties which abut sewer mains and which satisfy the policy requirements for Section II.E.3.a.: Community Service for Properties Abutting Existing Mains – Single Hookups Only. Applicants shall not use the provision of a single sewer hookup to support subdivision or resubdivision of these properties into more than one lot. (This condition does not restrict sewer service provided to properties satisfying condition ii., preceding.)

vi. The properties zoned RE-2C located in the southeast corner of the intersection of Boswell Lane and Piney Meetinghouse Road which develop using the cluster method.

All other properties within the Piney Branch watershed are restricted from community sewer service, whether from the Piney Branch sewerage system or from other adjacent sewerage systems.

c. Riverwood Drive Restricted Sewer Service Area -- In March 1998 under CR 13-1205, the County Council approved the extension of community sewer service to properties located along Riverwood Drive south of River Road in Potomac. In approving this service, the Council restricted the number of sewer hookups allowed for the Kitchen Property located at the southern end of the street, and further restricted the sewer main extension from serving properties in nearby neighborhoods in order to limit the extension of sewer service in the areas zoned for two-acre development south of River Road. Except where community service is required to relieve public health problems, the Riverwood Drive sewer main, and potential future extensions from that main, are restricted from serving the following subdivisions: Potomac Manors, Fox Meadow, and Carr's Addition.

d. Redland Park (Sheffield) Special Sewer Service Area -- In 1998, the County Council approved the provision of community sewer service for this site zoned for one-acre density development in order to facilitate a residential cluster subdivision plan. The site, marketed as Sheffield, is located along Airpark Road east of Woodfield Road (Route 124) in the Upper Rock Creek Watershed. The Council granted this approval as a limited exception to the general sewer service recommendations of the 1985 Upper Rock Creek Master Plan which did not anticipate RE-1 cluster development in this area. The developer proposed a sewer-dependent, cluster plan for the site as a solution for providing necessary improvements to Airpark Road during the review of the original non-cluster, septic-based subdivision plan.

In allowing the increased development density made possible by the cluster-option development plan, the Council specified that sewer service would depend on the approval of a subdivision plan which provided water quality protection for the Rock Creek Watershed equivalent to, or better than, that which would have been required to implement the previously-approved, non-cluster plan. The Council further specified that the provision of sewer service to this project does not set a precedent for other properties in either the Upper Rock Creek Master Plan or any other master planning area. There shall be no additional changes to the sewer categories for RE-1 and RE-2 zoned properties in the Upper Rock Creek Master Plan other than those which are addressed by specific Water and Sewer Plan policies for cases such as single hookups from abutting mains, public health problems, and private institutional facilities. In order to avoid the effects of sewer main construction along Rock Creek and its tributaries, Redland Park is served by a developer-financed wastewater pumping station and force main which will convey sewage flows to the Great Seneca Creek sewerage system west of Route 124.

e. Jonesville and Jerusalem Special Sewer Service Area -- The County approved the provision of community sewer service to these two neighborhoods to relieve public health problems associated with failing septic systems. The special service area is restricted to the areas zoned RMH-200. Under a 1984 agreement with the Town of Poolesville, located adjacent to the south, WSSC has an allocation of 20,000 gallons per day (gpd) treatment for this service area at the Town's wastewater treatment plant. Due to topographic constraints, properties in much of the service area require the use of grinder pumps and low-pressure sewer mains to receive service. The provision of community sewer service to these communities has allowed for the relief of numerous failed septic systems and for the ongoing renovation and replacement of substandard housing stock. Some limited subdivision of existing parcels has also occurred in these communities using sewer service. Community service in the Jonesville/Jerusalem area does not include community water service, either from WSSC or from Poolesville; these areas depend on individual wells.

DEP's recent analysis of the WSSC's flow monitoring of the Jonesville/Jerusalem system showed that existing and committed flows, combined with anticipated flows (accounting for a single connection for each of the remaining, existing houses and vacant properties in the service area), will use 90- to 93-percent of the allotted 20,000 gpd treatment capacity. This Plan must insure that adequate capacity in the negotiated WSSC allocation remains to address potential public health problems, as it is unlikely that the Town will have additional sewage treatment capacity available for WSSC in the future. Therefore, community sewer service will support existing development and the limited development of existing, vacant properties in the special service area; but will not support further multiple-lot subdivision of existing properties. WSSC shall provide new community sewer service in the Jonesville/ Jerusalem service area only under circumstances which, as of October 2001, satisfy one of the following conditions:

- A single permitted sewer connection previously approved by the WSSC (this condition may allow for more than one connection for an existing property);
- A single sewer connection for an existing house or its replacement; or
- A single sewer connection for an existing, vacant property.

f. Hyattstown Special Sewer Service Area – The County approved the provision of community sewer service to the Hyattstown area in 1994, as part of the Clarksburg Master Plan. Sewer service was needed to relieve chronic, ongoing septic problems in the community, some of which had required condemnation of specific properties. In order to provide this service, WSSC constructed the Hyattstown Wastewater Treatment Plant near the intersection of Frederick Road (Rte. 355) and Old Hundred Road (Rte. 109). The provision of community sewer service in this area is restricted to the Hyattstown Historic District, with only one allowed exception. The County Council subsequently approved the provision of community sewer service to the Hyatt Center commercial site, located adjacent to and north of the historic district, partially within Frederick County. This action addressed public health problems resulting from the failure of the center's septic system, which had the potential to affect potable water wells in Hyattstown.

g. Laytonsville Restricted Water Service Area – In considering the possible extension of community water service to the Town of Laytonsville, the County Council expressed strong concerns about the potential annexation and development demand created by such service, particularly with regard to properties zoned for agricultural preservation adjacent to the town. In May 2001 under CR 14-857, the Council acted to permanently restrict the provision of community water service from any properties in the town currently zoned AG and from any properties adjacent to or near the town within the county zoned RDT. Although the Plan's policies generally preclude community water service to properties zoned for one unit per 25-acre density, the Council's intent is to withhold providing community water service from these properties regardless of their future zoning if annexed into the town and rezoned. The Council did allow for the provision of service to a portion of one AG-zoned property in the town occupied by a commercial horticultural nursery.

13. Pending Capital Projects -- The provision of community service to an area or to a particular site may require capital water and/or sewer projects not included in the current capital program or otherwise identified and endorsed by this Plan. In considering individual water/sewer service area change requests, DEP will generally address such cases using one of the following alternatives.

a. Conditional Approvals – Map amendments may be initially approved for categories W-4/S-4 or W-5/S-5, with conditional approval for categories W-3/S-3. Final advancement to categories W-3/S-3 by the Director of DEP (see Section III.A.2., Conditional Category Changes) will depend on inclusion of the capital projects in the Water and Sewer Plan, either through WSSC's approved capital program, by a Council-approved Plan text amendment which identifies and adopts the required projects, or by other Council-approved actions. The conditional approval may also require that funding of the required capital projects be included within a specified time frame in the six-year capital program (e.g. full funding within the first four years of the CIP). These actions signal WSSC that the County endorses the category 4 or 5 area for community service and that the necessary capital project planning should begin; DEP may also provide formal notification that WSSC needs to include the required capital projects in the upcoming CIP budget.

b. Direct Approval with Capital Project Dependency – Alternatively, map amendments may also be granted for categories W-3/S-3 in cases where WSSC has advised that the review and development

of the required capital projects would best be addressed by a dependency on those projects through the water and/or sewer systems extension permit (SEP) process. The approval of categories W-3/S-3 allows the development project to proceed through M-NCPPC subdivision plan review and approval and on to WSSC for approval. WSSC requires the water/sewer authorization to depend on the approval and/or construction of the required capital projects, which cannot proceed until the County Council has approved the appropriate funding through the WSSC CIP.

c. Capital Projects and Master Plan Staging – In addition, the need for capital water and/or sewer projects can factor into the staging of development as recommended in a local area master plan. Comprehensive water/sewer map amendments based on master plan staging recommendations may initially assign service area categories 4, 5, or 6 to areas intended for future community service. Staging triggers keyed in part to the status of capital water and/or projects will direct when, and under what circumstances, these areas can advance to category 3, allowing them to proceed to develop. The County and WSSC coordinate the inclusion of the required capital projects at the appropriate time in the WSSC CIP.

14. Community Service Errors – On a few occasions, WSSC has mistakenly connected community service to properties designated as service area categories 4, 5, or 6, inconsistent with the policies in this Plan. Most often these situations involve cases where existing mains abut and can provide service to the subject property without the need for new main extensions. The County shall not revoke or suspend service to properties actually receiving community service provided in error. However, DEP may, depending on the circumstances of individual cases, direct WSSC to suspend the connection and/or plumbing permitting process for such sites prior to the actual provision of service. The provision of community service in error shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

III. GENERAL POLICIES FOR WATER SUPPLY AND SEWERAGE SYSTEMS FACILITIES

The preceding policy sections of Chapter 1 generally address the conditions under which the County determines by what means a particular area of the county, or a specific property, receive water and sewer service. The following sections address policies with regard to the actual community or individual water supply and sewerage systems which provide that service, including facility sites, water and sewer mains, pumping systems, storage facilities, and on-site systems.

A. Community Systems Facilities -- The following policies are generally related to the provision of community water and sewer service by the Washington Suburban Sanitary Commission. Policies specific to the community systems for the City of Rockville and the Town of Poolesville are addressed in the sections of Chapters 3 and 4 relevant to those communities.

1. Advance Acquisition of WSSC Sites and Buffer Planting -- WSSC should proceed with planning the location of future facilities at the earliest opportunity following County approval of capital projects, including public outreach and community involvement from the impacted area. These facilities include sites for treatment plants, pump stations, storage tanks and rights-of-way for water and sewer lines. Advance acquisition of necessary sites is encouraged, through the CIP process, in areas that development potential and/or siting are identified as significant to appropriate facility planning. When WSSC acquires sites which need buffering by landscaping from either present or future development, WSSC will develop a landscaping plan, including a public outreach effort to encourage the involvement of the impacted community.

2. Limited Access Water and Sewer Mains - In order to satisfy the goals and requirements of this Plan, water and sewer mains may need to traverse or provide community service to areas of the county not usually eligible for community water and/or sewer service. Those mains are referred to in this Plan and in Plan amendments as **limited access** mains. The properties which these limited access mains traverse or abut shall not be eligible for community service except where they would qualify for community service under the specific provisions of the community water and sewer service policies (Section II.E.). The policies detailed in this Plan rely on development density, implemented through zoning, as a primary criterion for determining areas appropriate for the provision of community water and sewer service. The proximity of existing water

and/or sewer mains to a particular property is therefore not the sole factor considered in determining eligibility for the provision of community water and/or sewer service.

Water and sewer mains may also be specially designated by the County Council as limited access where they traverse areas of the county normally eligible for community service under the general policies of this plan, but where such service is limited or restricted by an action of the Council. By an amendment to this plan, the Council shall specify under what conditions community service may be provided from, or extended from, the limited access main. The following water and sewer mains have been specially designated as limited access mains by the County Council:

- Piney Branch Trunk Sewer and Tributary Mains -- see Section II.E.12.b.
- Riverwood Drive Sewer Extension -- see Section II.E.12.c.
- Proposed Laytonsville Water Main Extension -- see Section II.E.12.g.
- Jonesville and Jerusalem Sewer Mains -- see Section II.E.12.e.

3. Capital Projects -- The provision of community service to an area or to a particular site may require capital water and/or sewer projects not included in the current capital program or otherwise identified and endorsed by this Plan. The need for capital water and/or projects may factor into the staging of development as recommended in a local area master plan. Comprehensive water/sewer map amendments based on master plan staging recommendations may initially assign service area categories 4, 5, or 6 to areas intended for future community service. Staging triggers keyed in part to the status of capital water and/or projects will direct when, and under what circumstances, these areas can advance to category 3, allowing them to receive community service. DEP coordinates the inclusion of those required capital projects in the WSSC annual CIP consistent with the goals and policies of this Water and Sewer Plan. WSSC requires the inclusion of capital-sized water and sewer main in the CIP only when their length exceeds 2,000 feet.

4. Dry Community Systems -- This Plan requires that developers install dry community water supply and sewerage systems for projects where the County intends to provide community water and/or sewer service, but where community systems are not currently adequate or available (Section II.B.4.). Water and/or sewer service is initially provided by interim individual systems in these areas. Dry systems include the lateral mains in the streets of the subdivision only, and for each house or structure to be serviced, the house connection and the hookup, although the house or structure shall not be connected to the hookup until community service is available. The policies and permits for such interim individual systems require that structures using such systems connect to community systems within one year of the time that community service becomes available. DEP may require developers to escrow funds to pay the costs for final connections to the community system when it becomes available, including reasonable on-site plumbing and individual system abandonment costs, WSSC inspection fees, and systems development charges.

5. Environmental Considerations for Community Systems Construction -- Consistent with the objectives of this plan and to the greatest extent reasonable, the planning and construction of community water supply and sewerage systems must be accomplished with the goal of protecting and mitigating potential damage to the environmental resources of the County. Community water and sewerage systems construction has the potential to disturb, damage or fragment streams and stream valleys, wetlands, steeply-sloped areas, parks and woodlands, and historical and archeological sites. Wherever possible and reasonable, such disturbances should be avoided or mitigated by the use of alternate mains alignments, extra-depth or extra-shallow mains, contour mains, and other appropriate measures. Stream and wetlands crossings, intrusion into stream and wetland buffers, and alignments through forested areas should be avoided wherever possible and minimized where unavoidable. State laws restrict construction across and adjacent to streams within State-designated Use III and IV watersheds from seasons of the year which are critical for maintaining water quality and specific aquatic species. Further environmental guidelines and policies are likely to result from the County's County-Wide Stream Protection Strategy Report.

6. Facility Planning -- WSSC performs a comprehensive study, called a facility plan, for each major water and/or sewer project to balance the technical components of engineering and economic factors with environmental issues and public concerns about the design and construction of the project. The study process identifies alternative approaches and their impacts, obtains technical information about alternatives,

and determines measures to minimize or mitigate community and environmental impacts. A facility plan determines ways to meet system demands with sufficient lead time in order to avoid a reduced level of service to customers, and to gather and incorporate public input into the technical work. All facility plans have three basic common elements or phases; these include:

- Project initiation and organization
- Development of a draft facility plan
- Review, approvals, and implementation

Prior to project initiation and organization, WSSC obtains, through the Capital Improvements Program (CIP) process, funding approval from the Counties for any facility planning project requiring a significant expenditure or perceived as potentially controversial. Alternately, WSSC will require developers who will construct capital facilities as part of their projects to initiate and finance the facility plan process. A recent example of this process is the facility planning for capital projects in the Clarksburg Triangle area. WSSC sees this developer-financed process becoming more common.

a. WSSC and Interagency Coordination – A WSSC planning manager produces a preliminary scope of work, conducts the consultant selection process; and, once selected, oversees the consultant's work. The WSSC planning manager organizes a planning team and works with the team to achieve consensus of the draft Facility Plan. The planning team consists of a WSSC project team, the interagency Policy Review Group (PRG), and the technical consultant.

The project team typically consists of WSSC staff who provide technical and/or functional support to the project. The PRG consists of staff from WSSC, County Council, County Executive, M-NCPPC, and technical personnel. The PRG meets to identify and provide guidance on areas of concern, as well as public policy issues affecting the decision-making process. The County Council staff helps maintain communication with Council members. The County Executive, represented by DEP, helps to ensure the project's consistency with the County's adopted policies contained in the Water and Sewer Plan and coordinates implementation of other development and infrastructure. DEP's role also is to coordinate issues that arise with other departments of the County government as needed. M-NCPPC provides demographic, land use, environmental planning, park property impact assessment, and zoning data. These ensure that WSSC projects use consistent and updated development projections, appropriate park impact cost factors, and adopted land use documents. A Memorandum of Understanding between WSSC and M-NCPPC establishes the procedures and requirements for the review and approval of WSSC projects which have potential impacts to parklands managed by M-NCPPC in Montgomery and Prince George's Counties. The project consultant gathers data to address technical issues defined in the scope of work and develops alternatives. Alternatives must meet specified public health standards and regulatory requirements, and take into account environmental, engineering, and economic considerations, together with community impacts. WSSC's coordination with local, state, and federal agencies, and its public outreach program are part of the development of a draft facility plan.

b. Public Outreach Program – WSSC includes community outreach efforts throughout the facility planning process, with the goals of providing public information, encouraging community understanding, acquiring confidence and support from elected officials and the community in its planning process, and recommending alternatives. In its outreach program, WSSC uses meetings (citizen advisory committees), publications (brochures and newsletters), formal notices (newspaper display ads), and visual aids (static displays, slide shows, and videos). The Citizens Advisory Committee (CAC) is a group of interested involved citizens who provide advice from the community's point of view and concerns on a project. The CAC reviews and provides input on screening criteria, project alternatives, community outreach materials, and the draft Facility Plan. Members of the CAC include homeowners' and civic associations, environmental groups, and interested citizens whose participation is solicited by WSSC early in the facility planning process. Public officials, including DEP staff, often participate along with WSSC staff in this program.

The public outreach process also includes the mandatory referral of WSSC facility plans to the Montgomery County Planning Board as required by State law. In this "mandatory referral" process, the Board holds an independent public hearing on the project, and provides official, non-binding comments to WSSC,

which incorporate specific land use and policy concerns along with appropriate community concerns presented as testimony.

The public outreach program is intended to improve WSSC's responsiveness and sensitivity to community concerns. While the program seeks community support for addressing public health and growth management needs, that support is pursued with the understanding that community involvement in the planning process does not always result in complete community acceptance of a proposed project.

c. Implementation Through the Capital Improvements Program – The implementation of a facility plan is initiated by the full funding of the project in the WSSC CIP. Each facility plan receives a WSSC staff recommendation which staff transmit to the WSSC General Manager at the conclusion of the facility planning process. The General Manager either endorses or modifies the staff recommendation and submits the project to the WSSC Commissioners. The Commissioners in turn transmit the WSSC decision on the project to the Counties for inclusion in the CIP and the Comprehensive Water Supply and Sewerage System Plans.

DEP prepares the necessary amendments to the County's Water and Sewer Plan and includes any relevant comments on the CIP Project. The County Executive reviews and if necessary modifies DEP's recommendations then transmits the CIP amendments to the County Council. The Council conducts a public hearing on the project recommendations as part of the Water and Sewer Plan and/or the CIP adoption processes. The Montgomery County Planning Board may also review or comment on the facility plan as part of the Council's public hearing process or as part of a designated mandatory referral process.

A plan's adoption in the WSSC CIP by the two County Councils completes the plan adoption process. The CIP provides a proposed design and construction schedule for projects WSSC expects to implement within the six year planning period of the CIP. The adopted CIP schedule also identifies the necessary funding sources for the project.

B. Individual and Multi-Use On-Site Systems -- These sanitary systems are primarily groundwater wells and septic disposal systems. Much of the policy discussion concerning individual on-site systems and under what conditions they are appropriate to support development is included in prior sections of this chapter. In cases where a State Water Appropriation and Use Permit issued by MDE is required to establish a well or wastewater disposal system, DEP is responsible for the County's approval of applications for those permits. The following sections address specific types of on-site systems with special policy considerations.

1. General Conditions for Interim Individual Systems -- Interim individual systems, wells and septic systems, provide water and/or sewer service in areas where community service is intended to be provided, but where existing community systems are either not adequate, not available, or not programmed to be provided within two years to six years.

a. Such interim systems shall be determined by the County's DPS to be adequate, safe, and in compliance with State and local regulations, including COMAR 26.03.01, 26.03.05, and 26.04.02 - .04, and County Executive Regulation 28-93AM, "On-Site Water Systems and On-Site Sewage Disposal Systems in Montgomery County";

b. Permits for such interim systems shall bear a notice regarding the interim nature of the permit and stating that connection to a community system shall be made within one year after such system becomes available, and that the construction of such interim systems shall in no way impede or restrict the extension of community sewerage and water systems or create a public health hazard or nuisance in the process; and

c. Provisions shall be made to locate the individual systems so as to permit a future connection to the community system in the most economical and convenient manner.



2. General Policies for Multi-Use Systems -- All multi-use systems in the County, as defined under Chapter 1, Section I.E., shall be approved as formal map and text amendments to this plan. Multi-use systems will be identified in the Plan text in Chapters 3 and 4, and on the water and sewer category and systems maps. The County has adopted a minimum peak flow requirement for multi-use systems of 1,500

gallons per day (gpd). which is more stringent than the State's requirement of 5,000 gpd. This lower flow was adopted in order to give the County better information on the location of on-site systems with capacities in excess of those required for strictly residential uses. This will help the County identify areas where multi-use systems together may create cumulative impacts on ground and surface waters which would be difficult to evaluate on a case-by-case basis. The identification of these systems in the plan also allows for a more comprehensive review of proposals for multi-use systems which are typically located in areas where the provision of community service is not anticipated.

Multi-use systems are generally provided for commercial, public, or private institutional uses in areas not intended to receive community water and sewer service. The provision of such systems shall be consistent with the protection of surface and ground waters and shall require the concurrence of the DPS. In order to ensure this protection, DEP may, upon consultation with the DPS, require hydrogeologic studies of the potential effects of the proposed systems on ground and surface water resources.

3. Non-Potable On-Site Water Supply Systems -- These well water systems generally provide a water supply for irrigation, watering farm animals, and other uses not related to human consumption. These wells can be established in areas of the county designated as categories W-5 and W-6 with the appropriate permits from DPS and MDE. Requests for non-potable wells in areas served or intended to be served by community water supply systems (categories W-1 through W-4) are addressed by DEP on a case-by-case basis through its review and sign-off on State Water Appropriation and Use Permit applications.

IV. WATER AND SEWERAGE SYSTEMS FINANCING

The following sections provide a summary of financing methods for the three community water supply and sewerage systems serving Montgomery County: the WSSD, the City of Rockville, and the Town of Poolesville.

A. Washington Suburban Sanitary District -- The planning, design, land acquisition, and construction of water supply and sewerage system infrastructure is financed by two separate programs in the WSSD: the Major Systems and General Construction Programs.

1. Major Facilities Program -- The WSSC major facilities program includes projects adopted in the WSSC CIP: water and sewage treatment plants, pumping stations, storage facilities, and program size mains. Program size mains are water mains 16 inches in diameter and larger and sewer mains 15 inches in diameter and larger. WSSC finances these projects through water supply and sewage disposal bonds, developer contributions, systems development charges (SDC), grant funds, and other less significant sources. Bonds to construct program-size facilities are amortized through revenues generated primarily by basic water and sewer user charges. Rate-supported debt is used to fund capital projects providing general system and environmental regulation-related improvements. Capital projects which support only new system growth are constructed through the System Extension Permit (SEP) process with either SDC funds or solely financed under Memoranda of Understanding (MOU) so that current water and sewer user rates do not support new growth. This also applies to capital projects which only in part support new growth to the extent that WSSC determines. During construction of major facilities, WSSC provides credit against SDC fees (in the amount of 50 percent of the estimated total construction fees) to the developer financing capital projects. Once the developer completes construction and WSSC performs a final audit, WSSC initiates quarterly reimbursements based on available SDC funds in the geographic area served by the facility.

In certain cases, WSSC may authorize a developer to not only construct, but to also maintain and operate, elements of the community system. Most often, these are private, on-site, central wastewater pumping stations serving commercial development. WSSC may also authorize the construction of private interim wastewater pumping stations to serve residential development pending the construction of permanent, WSSC-owned and -operated facilities. WSSC shall coordinate the approval of these private facilities with DEP prior to their authorization, especially where those facilities could appear, or have appeared, as projects in the WSSC CIP.

a. Water Consumption and Sewer Usage Charges -- These charges are both based on metered water consumption, with the rate charged per 1,000 gallons determined by the customer's Average

Daily Consumption (ADC) during the billing period. Under the conservation-oriented rate schedule, customers registering an ADC in the lower range of the schedule pay less per 1,000 gallons of total consumption than customers registering higher levels of ADC. WSSC's quarterly bills also include an account maintenance fee, based on the size of the service meter, covering the basic cost of maintaining a customer account.

WSSC uses revenue from these sources to maintain and operate the water supply and sewerage systems and to pay the principal and interest on: 1) Water Supply Bonds which are issued to finance the planning, design, and construction of capital facilities: dams and reservoirs, filtration plants, water pumping stations, water storage facilities, and large supply pipelines (from water source to filtration plant and from plant to local distribution lines); and 2) Sewage Disposal Bonds, which are issued to finance the planning, design, and construction of capital facilities: trunk lines, sewage pumping stations and treatment facilities (including reimbursement of the District of Columbia Water and Sewer Authority for any construction/improvement of the regional system used by the WSSC).

WSSC reviews and establishes the water and sewer rates annually as part of its operating and capital budget process. The County Councils of both Prince George's and Montgomery Counties then must review and approve these budgets.

b. Systems Development Charge (SDC) -- WSSC assess this charge to new customers within the WSSD to pay for capital improvements of the water and sewerage system to accommodate growth. Starting in July 1998, the Maryland General Assembly approved an increase in the allowed SDC fees, changes to the SDC calculation, and changes to the criteria addressing who is required to pay the charge. WSSC exempts existing houses from the SDC requirement if both the house and the main providing service predate the establishment of the SDC in 1993.

Maryland has established a program to grant exemptions from the SDC for three types of development projects:

- biotechnology projects,
- elderly housing projects, and
- revitalization area projects.

Under this program, Montgomery County may authorize up to \$500,000 in SDC exemptions annually; each individual development project considered is eligible for a maximum exemption of \$50,000 per year. The exemption program is administered by and additional information is available from the County's Department of Permitting Services (see Appendix B).

Maryland has also established a program to grant exemptions from SDC for affordable housing projects. Customers requesting SDC exemptions for proposed construction of affordable housing units submit their requests to the County, which reviews their request to determine if the proposed building(s) meets the legislative criteria for a SDC exemption established in the Annotated Code of Maryland, Article 29. Once the County determines that the designated affordable housing units qualify for this waiver, the County mails a written request to WSSC requesting the waiver for the applicant. WSSC's issuance of a waiver is solely based on the County's assertion that the units meet the SDC exemption criteria.

c. State Grants -- As part of the Chesapeake Bay Program, the State of Maryland provides limited funding for nutrient removal at existing wastewater treatment plants.

Additional information on the funding of WSSC's water and sewerage infrastructure is available from the WSSC Budget Group.

2. Local Service Extension Programs -- These WSSC programs allow for the construction of smaller, non-CIP-sized water and sewer mains, primarily along streets adjacent to or abutting users' properties. Capital-sized water and sewer main extensions up to 2,000 feet in length are considered as "local service" extensions. Water and sewer house connections are also constructed under this program. Funds for

individual programs are provided primarily through general construction bonds and developer contributions. For water and sewer mains constructed by WSSC, the general construction bonds are financed by front foot benefit assessment charges. These assessment are levied annually for a period of 23 years from the start of service on the County's property tax bills to property owners connected to the community system. Developer financing of new water and sewer mains is required under the System Extension Permit (SEP) process.

a. Developer Financing – Legislation approved by the Maryland General Assembly in 1998 phased out the traditional front foot benefit assessment financing mechanism (see subsection b., below) for most service projects in the WSSD. Applicants now must design, finance, and construct all new main extensions serving residential subdivisions of two or more homes, any commercial use, and any institutional facilities. (Exceptions to this policy include service to individual homes or properties and to relieve health hazards.) The applicant then dedicates the completed mains to WSSC for operation and maintenance. WSSC refers to this new system for providing non-program mains as the System Extension Permit (SEP) process. Developers recoup their costs for new mains either by including the cost in the price of the house or building, or by levying their own private version of the front foot benefit assessment.

b. Front Foot Benefit Assessment -- This is an annual charge levied to finance local (non-CIP) water and sewer transmission mains which pays for the principal and interest of General Construction Bonds issued by WSSC to construct these local water and sewer lines. Recent changes to WSSC's extension financing regulations have resulted in a dramatic reduction in the number of projects which can be financed under this system. Prior to 1999, most local development projects utilized the front foot assessment method; now only service to individual homes and public health problem relief cases may use the front foot assessment method of financing. Applicants requesting main extensions to serve individual homes and to relieve public health hazards usually choose to finance those extensions through the general construction bond, or non-SEP program. This is because the costs and responsibilities involved in constructing SEP projects (see the preceding subsection) usually exceed the resources available to individual property owners.

WSSC levies the front foot benefit assessment charge through County tax assessment bills for those qualifying properties abutting water and/or sewer lines. By paying the annual assessment on their County Property Tax Bill, property owners contribute their share of the amortized capital expense of installing mains in the street to serve their properties. Exceptions are made in the following cases:

- public properties such as schools, parks, libraries, and other government buildings;
- active agricultural properties not connected to WSSC's systems;
- properties ineligible for community water service by their water or sewer service area category*;
- properties with functioning potable water wells or septic systems*;
- properties with two or more units connecting to public service after 1998*.

* Under WSSC's current assessment policies. Because these policies have changed over the past fifteen years, properties subject to older assessment policies pay front foot charges in these cases.

WSSC generally calculates the assessment charge on the basis of the actual length of frontage along the main, although WSSC policies allow for exceptions for a variety of situations including corner, oddly-shaped, and unusually small or large properties, and for properties with only partial frontage along a main. Where a developer constructs water and sewer mains under the SEP program, WSSC does not levy assessment charges against the abutting properties. WSSC currently defers, or places in hiatus, assessments on properties designated as service area categories 5 and 6, and on properties designated as categories 1 through 4 which use functioning wells and septic systems. However, WSSC has modified its assessment policies over time and the current policy is not retroactive. Varying assessment policies are generally keyed to when the abutting water or sewer main was constructed. Current information on assessment rates, policies and procedures is available from WSSC.

The basic front foot benefit rate for water and/or sewer assessments is determined annually by computing water mains and/or sewer mains completed (and placed in service) during the year and apportioning this cost--on the basis of each abutting property's front footage--among the properties benefitted by the main's construction. The rates established each year apply uniformly to all assessable properties in a

portion to be served by the new main. Once set, the rates are not modified, unless the property use classification changes, and they remain in effect as an annual charge on the property tax bill during the life of the bonds issued to pay for the construction. Bond issues of this type currently run 23 years, although bond terms in past years have ranged from less than 20 years to more than 40 years.

The changes in WSSC's water and sewer main construction policies have resulted in sharply escalating the costs of main extensions financed through the non-SEP program. Prior to 1999, most development projects used the general bond/front foot system. Larger subdivision projects, where extensions were generally less expensive to construct per foot of main, tended to subsidize the smaller, more expensive extensions for individual homes. Without that subsidy, the non-SEP program applicants now bear more of the true cost of these service extensions. Applicants are finding that even relatively short service main extensions have become financially prohibitive. This tends to force homeowners towards using individual, on-site systems in areas intended to utilize community service. WSSC, together with Montgomery County and Prince Georges County staff, have formed an interagency Extension Cost Review Team to assess this concern and to develop recommendations by Fall 2003 addressing the problem.

Water and Sewer Plan Recommendation
The extension of community water and sewer service must remain a reasonably affordable and competitive alternative to individual, on-site systems for individual property owners located within those areas of the county intended by this Plan for community sanitary service. If needed, DEP will prepare Plan amendments to address the results of the work currently underway by the interagency Extension Cost Review Team, which are intended to address this issue.

c. Service Connection Fees -- These fees are paid with the property owner's application for a WSSC connection between the water and/or sewer main and the property line. The fee amounts vary, depending on the size and type of connection. Revenue from this source is used to pay the cost of laying connection lines from the WSSC's mains (usually in the street or in the public way) to the abutting property lines. WSSC sets these fees based on the average cost of such connections throughout its service area. On-site water and sewer hookups, non-abutting (off-site) connections, and any on-site booster, ejector, or grinder pump systems are financed solely by the property owner or developer. (Service connections were formerly referred to as "house connections.")

Similar to the situation with non-SEP program main extensions, WSSC has instituted To assist residential property owners finance the escalated (non-subsidized) service connection fees, WSSC reinstituted the deferred payment option which allows (residential-only) owners to defer the cost of water and/or sewer service connections to their annual tax bill over a period of roughly 23 years.

B. City of Rockville -- The City of Rockville uses its Water and Sewer Funds to finance water supply and sewerage systems construction. These funds provide for capital project expenditures through Capital Contribution Charges, bond financing and accumulated retained earnings. The funds are also used to finance the operational costs of the water supply and sewerage systems. Revenues to pay operational expenses are raised through user charges, which are generally based on metered water consumption. The usage charge is billed monthly or quarterly to customers based on metered water consumption and is uniform throughout the RSD. The user charge is reviewed annually as part of the Rockville operating and capital budget process. The City makes payments to WSSC for treatment capacity at the Blue Plains WWTP, which WSSC in turn pays to WASA (District of Columbia Water and Sewer Authority) for Rockville.

The Capital Contribution Charge is a charge to new development to buy into Rockville's existing water and sewer infrastructure. Other capital improvements, related to specific development projects, are designed and constructed by developers. These improvements are installed through developer permits, issued by the Rockville Department of Public Works to individual developers. Improvements to the City's water filtration plant are financed, in part, through a State loan program.

C. Town of Poolesville --The Town of Poolesville uses several methods to fund construction and operations of its water and sewerage systems. The funding mechanisms consist of combined water and sewer user fees, impact fees on new construction, and developer-funded water system extensions. The Town has adopted escalating variable water and sewer rate schedule costs, which increases with increased water usage, to cover operation and maintenance. The escalating variable water and sewer usage fees are based on metered water use and were established to promote water conservation. According to the Town of Poolesville, as of 1998, the combined water and sewer fee ranged from \$4.87 to \$8.71 per 1,000 gallons of water used during the quarterly billing period. When revenues do not cover the cost of the system, they are supplemented with revenues from the general tax fund. The Town does not levy front foot benefit assessments. Developers are responsible for building the local water and sewer service mains. Facility expansions are funded through impact fees on new construction.

D. Individual Systems Financing – Property owners and developers using individual, on-site systems, such as wells and septic systems, pay for the planning, testing, permitting, installation, and if needed, repair and replacement of those systems.

V. PROCEDURES FOR ADOPTING AND AMENDING THE WATER AND SEWER PLAN

Under State law, the authority to adopt and amend the Comprehensive Water Supply and Sewerage Systems Plan resides with the County Council. State law requires that the Executive recommend, and the Council adopt, a comprehensive update of the Water and Sewer Plan at least once every three years. In between these triennial updates, the Executive's goal is to transmit proposed Plan amendments to the Council semiannually in May and November, with corresponding final actions by the Council generally occurring in July and February, respectively. Plan amendments may be considered outside the preceding schedule, upon the discretion and agreement of the County Council, for those cases involving exceptional circumstances such as severe hardships, public or quasi-public facilities, and other projects of critical public interest.

Following the submission of the plan or plan amendments from the Executive, the Council schedules a public hearing, providing State and local agencies thirty days notice of the hearing. A public notice of the hearing must appear once at least ten days in advance of the hearing date in a newspaper of general circulation in the county. Following the hearing, the Council holds a committee worksession on the plan or plan amendments. The full Council then considers the committee recommendations and adopts a resolution acting on the plan or plan amendments. The Executive has ten days following adoption of the resolution to comment on the Council's action before the action is final.

The County Council, or any committee of the Council, must not hold a public hearing for or deliberate or act on any amendment to the Comprehensive Water Supply and Sewerage Systems Plan after October 31 of a year when the Council is elected until the newly elected Council has taken office, unless the amendment is required to address a public health hazard. The Council may introduce and set a public hearing date on any amendment during this period. The administrative delegation process (see Section V.F.), conducted by DEP, is not affected by this provision.

The Maryland Department of the Environment (MDE) reviews the County's amendments to the Water and Sewer Plan and coordinates a review by the Maryland Office of Planning. MDE may approve, approve with modifications, or disapprove the plan or any plan amendment submitted by the County. MDE has 90 days to review and take action on the plan or plan amendments, a period that may be formally extended by MDE, if necessary, for a second 90 days. MDE must act within this maximum period of 180 days; otherwise, the plan or the plan amendments become automatically approved as submitted.

The Department of Environmental Protection may also amend both the plan text and maps under a limited delegation of authority from the Council, as specified under Section V.F.: Administrative Delegation. Administrative actions which require a public hearing follow a quarterly schedule, with hearings generally occurring in January, April, July, and October. Public hearing notification requirements for this administrative process are the same as for the Council's public hearings (Section V.G.: Public Outreach). DEP may address cases not requiring a public hearing on an as-needed basis at the discretion of staff.

A. Plan Amendment Actions -- County Council and administrative actions on plan amendments usually fall into one of the following types:

1. Approval -- Action on development plans and authorization of water and sewer mains may proceed based on the County's approval of a category change. The County Council or DEP provides the appropriate agencies and the applicants with copies of the final approval documents; however, the action is not formally adopted until the MDE notifies the County of the amendments approval. The applicant can proceed with development approvals, at the applicant's risk, during the State's review period.

2. Conditional Approval -- In order to appropriately implement the policies included in this plan, the approval of plan amendments (including category changes) may be conditioned on some other action, on the use of a particular development option, or on any other requirement appropriate to the provision of water and sewer service. The condition(s) shall be clearly stated in the action amending the plan. It is incumbent upon the applicant to notify and document to DEP that the condition(s) for final approval has been satisfied. The DEP Director shall then grant final approval of the amendment in accordance with the original action and notify the applicant and all appropriate agencies of the change to the Plan.

3. Deferral -- The County Council may elect to defer action on a specific plan amendment rather than approve or deny it. A deferral may result from the need for additional information which is not readily available to properly evaluate an amendment. A deferral can also occur to allow another process to proceed before making a decision on the amendment. Often the other process involves a land use, zoning, or master plan decision which is relevant to the decision on water and sewer service, or which could be potentially influenced by the action of the Council on the issue of water and sewer service.

Actions which include deferred amendments shall clearly state the reason for deferral. Generally, the deferral period is intended to last no more than one year before an action on the amendment is anticipated. Upon resolution of the reason for deferral, an amendment may be brought back for further consideration by the Council. To promote an orderly public process, whenever possible a deferred amendment should be submitted to the Council as part of a semiannual amendment packet from the County Executive. If a previously deferred amendment is re-submitted to the outside of the Executive's semiannual amendment transmittal process, then the Council shall proceed according to the following process:

a. Deferred Amendments with Significant Changes -- If the details of the proposed amendment have changed (for example, the water or sewer extension is different or the proposed use of the property to be served has changed) since the item last went to public hearing, then the Council must hold a new public hearing for the amendment. The Council must provide at least 15 days notice to the reviewing agencies: DEP, DPS, WSSC, M-NCPPC, and MDE, and to all parties that submitted either oral or written testimony on the amendment at the Council's prior public hearing. The Council must also advertise the public hearing at least 15 days before the public hearing date. The Council may schedule a committee or Council worksession on the item to occur anytime after the public hearing. However, the meetings must be listed on the Council or Committee agenda at least ten days before the worksession.

b. Deferred Amendments with No Significant Changes -- If the details of the proposed amendment have not changed since the item last went to public hearing (for example, the water and/or sewer alignment is the same and the applicant's plans for use of the property to receive service have not changed), then the Council is not required to hold a new public hearing. A Committee or Council meeting on this request must be listed on the Council agenda at least ten days before the meeting. In addition, if more than 30 days have elapsed since a prior Council meeting on the amendment, then the Council must provide a notice of the new meeting to the reviewing agencies, to the applicant, and to all parties that submitted either oral or written testimony on the amendment at the prior public hearing. Although an additional public hearing is not required, the Council President can choose to hold a public hearing for this deferred request.

Amendments initially recommended for administrative delegation actions may be deferred because they lack appropriate interagency concurrence for administrative approval, because they have been identified for deferral by one or more Councilmembers, or because the DEP Director has determined that issues

involved with the amendment require consideration by the full Council. Generally, amendments deferred from administrative actions are included with the next regular semiannual transmittal of amendments from the County Executive to the County Council, and are subject to the Council's public review process, including a public hearing.

4. Denial -- As detailed under Section V.E., Refiling Denied or Withdrawn Amendments, applicants may file a new amendment request following a denial, but not within one year of the date of the denial action. In rare cases, a Councilmember who had voted to deny an amendment may request reconsideration of that amendment by the Council. The Plan's administrative delegation (Section V.F.) policies allow for the denial of an amendment through that process. However, DPS, WSSC, M-NCPPC, or any individual Councilmember may request that DEP defer an amendment from the administrative process for consideration by the full Council.

5. Appeals -- State law does not include a formal appeal process for the County's actions on the Plan or its amendments. Most situations which have previously prompted inquiries with regard to appeals are naturally those involving denied amendments, although applicants could also seek appeal of conditional approvals or deferrals. The administrative delegation process has built into its procedures an appeal through the County Council. Individual Councilmembers who disagree or have concerns with regard to a recommended administrative action can direct DEP to defer an amendment from the administrative process for full Council consideration. State law does provide for a ten-day review of the Council's actions on the Plan by the County Executive, who may then recommend for the Council's consideration any revision or amendment the Executive deems necessary, including presumably, an appeal of an amendment action.

Although the State of Maryland has a review period for and oversight of the County's Plan amendments through MDE and MDP, the State's review does not function as an appeals process.

B. Water and Sewer Category Map Updates -- DEP is responsible for preparing interim updates of the plan's service area category maps. Improvements in mapping technology resulting from the use of the County's computer-based geographic information system (GIS), MC:MAPS, now allow for the preparation of more up-to-date maps than the triennial updates required by the State. These interim updates are based on category change actions, map revisions and corrections, and informational updates approved since the last interim or triennial update. The interim update maps, which do not require approval by the Council, represent the County's official record for water and sewer service area categories pending the triennial updates approved by the County Council.

C. Comprehensive Amendments Related to Master Plans -- As new or updated local area master and sector plans are prepared, DEP staff participate in the master plan development, review, and approval process, addressing water and sewer service issues. Following the County Council's approval of the master plan and, if necessary, the adoption of related zoning map amendments, DEP may prepare any necessary amendments to the Water and Sewer Plan, including changes to service area categories, in order to implement the recommendations of the master plan. DEP's eventual goal is to use comprehensive category amendments wherever possible to reduce the number of individual map amendments (category change requests) filed by property owners and developers. The need for and scope of these comprehensive amendments will vary with each completed master plan. DEP will then transmit the proposed amendments, via the County Executive, for consideration and action by the County Council, usually as part of a semiannual transmittal of plan amendments. This comprehensive approach to amending the Water and Sewer Plan's service area categories began with the 1994 Clarksburg Master Plan. The following master plan areas have been or have the potential to be addressed through the comprehensive amendment process:

Table 1-T4: Master Plans and Water and Sewer Plan Comprehensive Amendments

Master Plan	Comprehensive Amendments Status and Comments*
Clarksburg (1994)	A comprehensive water/sewer map amendment based on the master plan staging recommendations was adopted under CR 13-89 on April 4, 1995. A subsequent comprehensive map amendment, focused on advancing service area categories for area designated as development Stage 3, was approved by the Council under CR 14-772 in February 2001.
Cloverly (1997)**	The Council approved the master plan on July 8, 1997 (CR 13-981) and approved the SMA on September 30, 1997 (CR 13-1059).
Damascus (1985)	M-NCPPC will begin a general master plan revision in early 2003.
Fairland (1997)**	The Council approved the master plan on March 25, 1997 (CR 13-835) and approved the SMA on July 8, 1997 (CR 13-980).
Olney (1980)	A general master plan revision is underway. M-NCPPC expects to release a staff draft for a revised master plan in Spring 2003.
Town of Poolesville (pending)	The Town is in the process of updating its master plan. This update is expected to include the Town's recommended water and sewer service areas.
Potomac Subregion (2002)**	The Council adopted the master plan revision in March 2002, and approved the SMA in October 2002.
Sandy Spring - Ashton (1998)**	The Council approved the master plan on July 7, 1998 (CR 13-1364) and approved the SMA on October 13, 1998 (CR 13-1458).
Upper Rock Creek Watershed (1985)	M-NCPPC released the staff draft revised plan in September 2002.
White Oak (1997)**	The Council approved the master plan on January 21, 1997 (CR 13-778) and approved the SMA on July 8, 1997 (CR 13-979).
* Proposed schedules for pending master plans can be obtained from M-NCPPC, Community-Based Planning Division.	
** DEP continues to accept and consider individual service area category change requests pending the initiation of a comprehensive water/sewer map amendment.	

A category change request for a property in an area where a new master or sector plan is in preparation will be deferred until the Council has adopted a plan for the area, unless the County Council and the Planning Board concur that the request is consistent with existing comprehensive planning policies and that the master plan update is not expected to change these policies. A master or sector plan is considered "in preparation" at the time an M-NCPPC staff draft of the plan is complete.

D. Filing Individual Service Area Category Change Requests - Applications for service area category requests filed by the property owner, contract purchaser, or their representatives may be submitted to the Department of Environmental Protection at any time of the year. These requests are considered either by the County Council or by DEP according to the schedules described in Section V.

1. General Application Requirements – An application for a service area category change must be made on a form available from:

Department of Environmental Protection
Watershed Management Division
255 Rockville Pike, Suite 120
Rockville, Maryland 20850-4166
phone: 240-777-7700 -- fax: 240-777-7715
website: www.montgomerycountymd.gov or www.askdep.com

The application must include all information requested, including a tax map showing the property or properties for which the category change is being sought. Additional information on submitting a category change request is provided with the application packet. DEP has also initiated a program for both downloading and filing service area category change request applications electronically through the County's website at www.askdep.com.

Water and Sewer Plan Recommendation

The County has never charged a fee for the filing of Water and Sewer Plan amendments, even though the amendment process can require substantial staff time. The County Council requests that DEP investigate establishing a fee for the category change process, and forward its recommendations concerning such a fee to the Council in a timely manner.



2. Application Requirements for PIF Category Change Requests -- In cases involving service area category amendments for private institutional facilities (PIFs -- see Section II.C.4.), the institution seeking to use the property must act as the category change applicant. If a site is proposed for two or more PIF uses, then at least one of the proposed institutions must act as the applicant. PIF applicants need to include a confirmation of their tax-exempt status as part of their category change request.

E. Refiling of Denied or Withdrawn Amendments -- Applicants may refile requests for previously denied or withdrawn plan amendments (usually category change requests), if relevant issues have changed since the previous denial. However, new applications may not be filed with DEP sooner than one year from the date of the action denying the original amendment. (*i.e.*, An amendment originally filed with DEP on February 1, 2003, and denied on July 30, 2003, may not be refiled with DEP sooner than July 30, 2004.) Similarly, new applications may not be filed with DEP sooner than one year from the date of the applicant's withdrawal of the original amendment.

Exceptions may be considered upon a determination by DEP that circumstances or policies related to the original denial or withdrawal have changed significantly to justify an earlier reconsideration of the amendment. In rare cases, a Councilmember who had voted to deny an amendment may request reconsideration of that amendment by the Council. This reconsideration may occur either outside or as part of the Council's usual semi-annual cycle of action on plan amendments.

F. Administrative Delegation -- The County Council has delegated the authority to act on Water and Sewer Plan amendments under limited circumstances to the Executive branch of the County through the Director of DEP. DEP may act to approve, conditionally approve, deny, or defer an amendment. This administrative authority is intended for amendments which are non-controversial with regard to Water and Sewer Plan issues and policies. As such, the authority is discretionary, and the Director of DEP may, at his or her discretion, defer action on any potential administrative amendment to the County Council. The specific policies and procedures under which a proposed amendment may be acted on through this administrative process, and the requirements for such actions, are outlined as follows:

1. Administrative Policies: Public Hearing Process -- DEP's action on amendments under the following administrative policies shall require appropriate interagency review and a public hearing conducted by the Director of DEP or a designee. The staff representatives of the following agencies, as appropriate, must recommend the amendments for administrative action: Department of Environmental Protection, Department of Permitting Services, Washington Suburban Sanitary Commission, Maryland - National Capital Park and Planning Commission, and incorporated municipalities. Concurrence for DEP's recommended action must also be provided by the Planning Board and by the members of the County Council; any individual

councilmember can request deferral of an amendment from the administrative process for review and action by the Council. This shall apply to amendments which DEP staff recommend for either approval or denial.

In the event that DEP denies an amendment, the applicant shall have thirty-five (35) days from the date of DEP's administrative action to request an appeal of the denial to the County Council. DEP shall submit the requested appeal along with the County Executive's next regular semi-annual transmittal of amendments to the Council.

a. Consistent with Existing Plans -- DEP may act on service area category changes consistent with the recommendations of the local area master plan and the general policies of this Water and Sewer Plan.

Such cases may include sites developing under cluster- or TDR-development options. In cases where a preliminary subdivision plan proposing the use of the TDR-development option has been filed with the Maryland - National Capital Park and Planning Commission (M-NCPPC), the Director of DEP, upon concurring recommendations of DEP and M-NCPPC staff, may authorize the Planning Board to conduct a public hearing on the category change request in conjunction with its hearing on the associated preliminary plan. The Director may be represented by a designee at this joint hearing. DEP staff shall ensure that the Planning Board's hearing on the category change conforms with the appropriate requirements for administrative delegation public hearings. The Director of DEP may then grant approval of category change requests under this policy upon written notice of the approval of the TDR-option preliminary plan from M-NCPPC.

b. Properties Abutting Existing Mains: Residual and Combined Properties -- DEP may act on service area category changes for properties which satisfy those parts of the abutting mains policy which address residual properties and combined properties, as specified under Sections II.E.3. Community Service for Properties Abutting Existing Mains, b. Single Hookups for Residual Properties, & c., Single Hookups for Combined Properties. Note that these policies specify under what conditions such cases may be addressed through the administrative versus legislative (Council) processes.

c. Public Facilities -- DEP may act on service area category changes for public facilities and private buildings affected by public projects, as specified under Sections II.E.5. Community Service for Public Facilities, and II.E.6. Community Service for Properties Affected by Public Improvements.

d. Individual Systems Regulations Changes -- DEP may act on service area category changes for properties which satisfy the specific requirements of Section II.E.10.: Community Service Due to Individual On-Site Systems Regulations Changes.

e. Community Development -- DEP may act on service area category changes for projects defined as community development projects as specified under Section II.E.7.: Community Service for Community Development Projects.

f. Child Lots -- DEP may act on water service area category changes where the provision of community water service will support the establishment of child lots consistent with Section II.E.9: Community Water Service for Child Lots.

g. Larger-Capacity Multi-Use Systems -- DEP may amend the water and sewer category maps to identify sites approved for multi-use water supply and/or sewerage systems. Larger-capacity multi-use systems, those with a peak capacity of 5000 or more gallons per day (gpd), are intended to be addressed under this policy, with its higher level of public notice and participation. Appropriate text amendments identifying the proposed multi-use systems may be handled under the provisions of administrative policy III.F.3.c.: Informational Comprehensive Plan Text Amendments, although DEP staff will typically handle the required text amendment for a particular multi-use system through the same administrative process as is used for the related map amendment. The provision of such systems shall be consistent with the protection of surface and ground waters and shall require the concurrence of the Department of Permitting Services. In order to ensure this protection, DEP may, upon consultation with the DPS, require hydrogeologic studies of the potential effects of the proposed systems on ground and surface water resources.

2. Administrative Policies: Direct Approval Process -- DEP's action on plan amendments under the following administrative policies shall require only interagency review, as appropriate; neither a public hearing, nor interagency concurrence for administrative approval, nor County Council review and concurrence for administrative approval shall be required, unless requested by the Director of DEP.

a. Public Health Problems -- DEP may act on service area changes to allow community service for properties to relieve existing or anticipated public health problems, as specified under Section II.E.2.: Community Service to Relieve Public Health Problems. Under this administrative authority, only one residential water and/or sewer hookup may be provided to qualifying lots or parcels. Such actions may occur after DEP has directed WSSC to expedite the provision of community service to a property and, in some cases where existing community service is immediately available, after that service has been provided.

b. Properties Abutting Existing Mains: Single Hookups -- DEP may grant service area changes to allow community service for properties which abut existing or authorized water and/or sewer mains, as specified under Section II.E.3.a.: Community Service for Properties Abutting Existing Mains. Under this administrative authority, only one residential water and/or sewer hookup may be provided to the whole of qualifying lots or parcels. Such actions may occur after DEP has directed WSSC to provide community service to a property, and in some cases after WSSC has provided that service.

c. Interim Individual Systems -- DEP may amend the water and sewer category maps to identify sites approved for interim, on-site wells and septic systems, as specified under Section III.B.1.: General Conditions for Interim Individual Systems.

d. Smaller-Capacity Multi-Use Systems -- DEP may amend the water and sewer category maps to identify sites approved for multi-use water supply and/or sewerage systems. Only smaller-capacity multi-use systems, those with a peak capacity of less than 5000 gallons per day (gpd), may be addressed under this policy. Text amendments identifying these multi-use systems may be handled under the provisions of administrative policy in Section V.F.3.c.: Informational Comprehensive Plan Text Amendments. (Map amendments for multi-use systems with a capacity of 5000 or more gpd are addressed by administrative policy V.F.1.g.: Larger-Capacity Multi-Use Systems.)

3. Administrative Policies: Staff Approval Process -- DEP's action on plan amendments under the following administrative policies shall require only an interagency review, as appropriate. The approval authority resides with the DEP Director of his or her designee, who may directly approve the amendments. Neither a public hearing, nor interagency concurrence for administrative approval, nor County Council review and concurrence for administrative approval shall be required, unless requested by the Director of DEP.

a. Water and Sewer Map Corrections, Revisions, and Informational Updates -- DEP may amend service area categories as necessary to correct verified service area mapping and other errors. These cases most often involve revisions to identify properties with existing community service not shown on the category maps and to correct improperly mapped prior amendments. Changes from service area categories W/S-3 to W/S-1 or from W/S-1 to W/S-3 for areas approved for service may be approved to reflect the actual status of community service. Informational updates for the maps addressing existing or proposed infrastructure, right-of-way dedication or abandonment, and other non-policy issues may also be approved.

b. Interim Water and Sewer Service Area Category Map Updates -- Interim water and sewer map updates are based on approved amendments to the Water and Sewer Plan: category changes, map corrections and revisions, and informational updates. DEP is able to update these GIS-based maps to show these amendments on a more frequent schedule than the State's required triennial comprehensive updates, providing more up-to-date information to the public, to the development industry, and to public agencies. DEP will update the GIS database as water and sewer map amendments are approved in order to maintain an accurate and current record of the county's service area categories. DEP's administrative approval of the published maps adopts them as the interim official record of the County's approved service area categories, pending the County Council's approval of the triennial update of the plan.

c. Informational Comprehensive Plan Text Amendments -- DEP may approve text amendments which provide informational updates to the Water and Sewer Plan. These may include, but are not limited to, information updates concerning approved community water supply and sewerage systems infrastructure, information concerning multi-use water supply and sewerage systems, and general background information concerning the county and its municipalities. Informational updates may relate to specific water and/or sewer service area category change requests under consideration for approval through the administrative delegation process. Text amendments that are other than informational updates, or that concern policy issues, will not be included for administrative approval and will be referred to the County Council.

G. Public Outreach -- Much of the Water and Sewer Plan adoption and amendment process includes opportunities for public outreach and comments. Most plan amendments are acted on through processes that require a public hearing before either the County Council or DEP. State law requires that a notice of each public hearing appear in a newspaper of general circulation in the County at least ten days prior to the hearing. This published notice of the hearing should identify the proposed amendments and information on how to testify. In addition to this notice, DEP provides a notice of each hearing to the amendment applicants, to other interested parties, and to a group of local civic and environmental groups who have requested such notice. DEP uses a combination of mailings, internet postings, and e-mail notifications on Water and Sewer Plan amendments, as appropriate. DEP also holds public meetings to present proposals for general water/sewer map amendments related to master plan updates.

Water and Sewer Plan Recommendation
The County Council requests that DEP investigate a broader public notification process for Water and Sewer Plan amendments. DEP shall research other public notification procedures used in the County, such as M-NCPPC's neighbor notification for subdivision plans and the Board of Appeals property postings, and determine how a similar approach might work for the category change process.

Adopted by the County Council November 18, 2003 (CR 15-396) Revised by the County Council November 29, 2005 (CR 15-1234)

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

E. Special Policies for Water and Sewer Service -- In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

4. Community Service for Private Institutional Facilities -- This Plan defines private institutional facilities (PIFs) as buildings constructed for an organization that qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service). The provision of community water and/or sewer service to such facilities shall be addressed on a case-by-case basis by the following policies:

a. Facilities Located Within the Community Service Envelopes -- For private institutional facilities located within the acknowledged water and/or sewer envelopes, service area category changes may be approved by DEP through the administrative delegation process (Section V.F.1.a.: Consistent with Existing Plans). For a specific site, the acknowledged water and sewer service envelopes may differ due to the general water and sewer service policies (Section II.D.) included in this Plan.

b. Facilities Located Outside the Community Service Envelopes -- For existing or proposed PIF uses located outside the acknowledged water and/or sewer envelopes, the County Council shall consider requests for the provision of community service for PIF uses according to the following criteria:

i. Sites Abutting Existing Water and/or Sewer Mains -- For cases where existing or approved water or sewer mains abut or will abut a property, service area category amendments may be approved for sites with an existing PIF use and for sites proposed for a new or relocating PIF use, excluding those zoned RDT (see subsection iii).

ii. Sites Requiring New Water and/or Sewer Mains Extensions -- For cases where the provision of community service for a PIF use requires new water and/or sewer mains, the following criteria shall apply:

- For existing PIF uses, service area category amendments may be approved for sites (excluding those zoned RDT, see subsection iii) only where required water and/or sewer main extensions do not threaten to open undeveloped land to development contrary to the intent of the relevant local area master plan.
- For new or relocating PIF uses, service area category amendments may be approved for sites (excluding those zoned RDT, see subsection iii) where required water and/or sewer main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan.

iii. Sites Zoned Rural Density Transfer -- To help preserve the integrity of the land-use plan for the County's agricultural reserve, neither community water nor sewer service shall be used to support existing or proposed PIF uses within the Rural Density Transfer (RDT) Zone. This prohibition shall apply to all PIF cases regardless of whether public service requires either new main extensions or only service connections to an existing, abutting main. The only exception allowed to this prohibition is to allow for community service to relieve health problems caused by the failure of on-site systems, as documented by the Department of Permitting Services (DPS). In the case of a public health problem, DEP and DPS staff will need to concur that the provision of community service is a more reasonable alternative to a replacement of the failed on-site

system, either by standard or alternative/innovative technologies. WSSC and DEP staff will need to concur that the provision of community service is technically feasible.

c. Main Extensions for PIF Uses -- Main extensions outside the acknowledged community service envelopes, where required, shall be designated "Limited Access" consistent with the Limited Access Water and Sewer Mains policy (see Section III.A.2). Where community sewer service for a PIF use will be provided by low-pressure mains, those mains shall be dedicated only to that PIF use and generally not eligible for additional service connections. The County and WSSC may make limited exceptions to this requirement to allow for the relief of failed septic systems, where such service is technically feasible.

PIF uses may receive service from limited access water or sewer mains where the Council has specifically approved access to those mains. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

Under its Systems Extension Permit (SEP) process, WSSC now requires that all commercial and institutional service applicants construct and pay for the community systems main extensions needed to serve their projects. In cases where more than one PIF use proposes to locate on a site requiring a pump and low-pressure main extension, WSSC requires that each institutional facility have a separate pump and pressure main system. The County and WSSC shall not support the provision of community sewer service for a PIF use where that service will require a WSSC-owned and operated wastewater pumping station which does not also support community sewer service for other non-PIF uses consistent with the service policies of this Plan.

d. PIF Uses in Existing Residential Structures -- The Council may deny service area category amendments for PIF uses located outside the acknowledged water and/or sewer envelopes where main extensions are required for private institutional facilities seeking community service for existing residential structures. This could result in the extension of community water and/or sewer service for structures which would not otherwise be eligible for such service, and which could return to residential use.

e. PIF Policy Directions -- The Council originally adopted a Water and Sewer Plan service policy addressing PIF uses with three primary goals in mind:

- To continue to support, where the provision of community service is reasonable, the county's private institutional facilities, which the Council recognized as having an important role in their communities and for their residents;
- To provide more objective and consistent criteria in evaluating PIF cases; and
- To limit the potential impact of water and sewer main extensions outside the community service envelopes to support PIF uses.

The PIF policy has accomplished the preceding goals, at least to some extent. However, it has also created unintended concerns, involving complex relationships between differing public policies and affecting private institutions needing space to locate and grow within an often fiercely competitive Real Estate market. This makes less costly land, usually located outside of the community water and sewer service envelopes and zoned for lower-density development, more attractive to institutional uses. Among the concerns which have come to the attention of both the County Council and County agency staff are the following:

- The policy has resulted in the clustering of PIF uses at the edge and outside of the acknowledged community water and/or sewer service envelopes.
- The policy has facilitated the siting of PIF uses on properties where the institutional use and its ancillary needs, especially parking, can create imperviousness far in excess of that normally resulting from residential uses, leaving little open space and creating water quality problems.

- The policy has facilitated the siting of PIF uses within the county's RDT-zoned agricultural reserve areas.
- The policy has promoted speculative interest in sites because of their potential ability to satisfy the PIF policy requirements, not because a specific private institution has a need for that site.
- The policy does not provide guidance concerning institutional subdivisions, where two or more PIF uses subdivide and locate on an existing property approved for community service.
- The policy can not address issues beyond the scope of the Water and Sewer Plan, such as community compatibility, traffic congestion, and alternate facility uses.

An interagency PIF policy working group has reviewed the PIF policy and other County regulations and ordinances, with particular attention to the preceding issues. The PIF policy as amended in this Water and Sewer Plan contains changes from the original PIF policy which address some of these concerns. Among these are a policy preventing publicly-funded support for community service to PIF uses where WSSC pumping facilities would be required, and a prohibition against providing community service to PIF uses in the Rural Density Transfer (RDT) Zone. In addition, the working group has recommended to the County Council impervious area limits for most land uses in lower-density rural and rural estate zones to help limit the environmental impacts often associated with institutional development within these zones.

The preceding policies focus on community water and sewer service for institutional uses. The working group also recognized that a prohibition on community service in the RDT Zone could result in an increase in PIF project proposals using multi-use on-site systems. The County needs to ensure that these on-site systems can provide long-term, sustainable service for their users in order to avoid the need to provide community service to relieve on-site system failures (see Section III.B.2.).

Water and Sewer Plan Recommendation
The County needs to recognize that the recommendations from the PIF Working Group represent the first efforts in addressing the community and environmental effects of large commercial and institutional land uses, especially those [[which]] that locate with the rural part of the county. At the least, the working group will need to follow up periodically to consider 1) the effectiveness of these recommendations, 2) public and development industry concerns with regard to the County's policies, and 3) the need for additional or alternative actions.

V. PROCEDURES FOR ADOPTING AND AMENDING THE WATER AND SEWER PLAN

D. Filing Individual Service Area Category Change Requests

2. Application Requirements for PIF Category Change Requests -- In cases involving service area category amendments for private institutional facilities (PIFs – see Section II.C.4.), the institution seeking to use the property must act as the category change applicant. If a site is proposed for two or more PIF uses, then at least one of the proposed institutions must act as the applicant. PIF applicants need to include a confirmation of their tax-exempt status as part of their category change request.

Adopted by the County Council: November 18, 2003 (CR 15-396)

Revised by the County Council: February 14, 2006 (CR 15-1343)

III. GENERAL POLICIES FOR WATER SUPPLY AND SEWERAGE SYSTEMS FACILITIES

B. Individual and Multi-Use On-Site Systems -- These sanitary systems are primarily groundwater wells and septic disposal systems. Much of the policy discussion concerning individual on-site systems and under what conditions they are appropriate to support development is included in prior sections of this chapter. In cases where a State Water Appropriation and Use Permit issued by MDE is required to establish a well or wastewater disposal system, DEP is responsible for the County's approval of applications for those permits. The following sections address specific types of on-site systems with special policy considerations.

2. General Policies for Multi-Use Systems -- All multi-use systems in the County, as defined under the Plan's glossary, shall be approved as formal map and text amendments to this plan. Multi-use systems will be identified in Appendix B of the Plan text [in Chapters 3 and 4], and on the water and sewer category and systems maps. Multi-use systems are generally provided for commercial, public, or private institutional uses in areas not intended to receive community water and sewer service. The provision of such systems shall be consistent with the protection of surface and ground waters and shall require the concurrence of the DPS. In order to ensure this protection, DEP may, upon consultation with the DPS, require hydrogeologic studies of the potential effects of the proposed systems on ground and surface water resources.

a. Multi-Use System Flow Requirements – Multi-use water and sewerage systems are primarily defined by the systems' design capacity. The design capacity of a multi-use water supply system is the maximum water flow the system is designed to deliver in one day. The design capacity of a multi-use sewerage system is the maximum waste flow that the system is designed to collect and either treat or store in one day. Septic tanks—the first stage in the treatment system—are designed to hold twice the design capacity, or two days' worth of flow. The design capacity is sometimes referred to as the "peak capacity" of the system.

The County has adopted a minimum design flow requirement for multi-use systems of 1,500 gallons per day (gpd), which is more stringent than the State's requirement of 5,000 gpd. This lower flow threshold was adopted in order to give the County better information on the location of on-site systems with capacities in excess of those required for strictly residential uses. This will help the County identify areas where multi-use systems together may create cumulative impacts on ground and surface waters which would be difficult to evaluate on a case-by-case basis. The identification of these systems in the plan also allows for a more comprehensive review of proposals for multi-use systems which are typically located in areas where the provision of community service is not anticipated.

For the purposes of this Plan, multi-use systems include the following:

- A single water supply and/or sewerage system serving a single property;
- A single water supply and/or sewerage system serving two or more commonly-owned, contiguous properties with a common function (religious institution, nursing home, etc.); and
- More than one water supply and/or sewerage system serving a single property with a cumulative design capacity of 1,500 or more gpd.

b. Design Capacity Restrictions in the Rural Density Transfer Zone – In order to protect the environmental and agricultural character of Rural Density Transfer (RDT) zone areas, as envisioned by the Agricultural and Rural Open Space Master Plan (1980), the maximum design capacity for new multi-use sewerage systems serving properties in the RDT Zone must not exceed the lesser of the following capacity limits:

- i. 4,999 gallons per day; or
- ii. The equivalent design capacity from the residential development of the site under the current zoning standards. The equivalent residential design capacity calculation shall be based on the design capacity for a four-bedroom single-family house: 600 gallons per day (gpd), or

150 gpd per bedroom. For example, a property in the RDT Zone that could accommodate 8 homes under current zoning standards and 8 TDR's are retained with the site, that property would be allowed to build a multi-use sewerage system with a maximum design capacity of up to 4,800 gpd (or 8 x 600 gpd).

c. Exemptions from Design Capacity Restrictions – The following systems and uses are exempt from the design capacity limits established under Section III.B.2.b:

- i. On-site sewerage systems of up to 1,500 gpd design capacity;
- ii. Permitted Agricultural uses – either by right or by special exception;
- iii. Publicly owned or operated uses;
- iv. Existing multi-use sewerage systems and systems not yet built but which are approved and permitted by the Department of Permitting Services prior to February 14, 2006; and
- v. The expansion of existing on-site sewerage systems, provided each of the following criteria are met:
 - (a) The ownership of the property has not changed since February 14, 2006;
 - (b) The property acreage has not been increased since February 14, 2006; and
 - (c) The use of the property as identified in the following documents has not changed since February 14, 2006:
 - (1) Sewage disposal system permit issued by the Approving Authority;
 - (2) Consent agreement or covenant regarding the sewage disposal system approved by the Approving Authority and recorded in the County's land records;
 - (3) In the absence of a consent agreement or covenant regarding the sewage disposal system, any document filed with the Approving Authority contemporaneously with the application for the sewage disposal system permit; and
 - (4) Any other reliable documentation, as determined by the Department of Environmental Protection and Department of Permitting Services, regarding approved use of a parcel or lot when a sewage disposal system permit was issued.

The preceding design capacity restrictions are not intended to obstruct the replacement or repair of multi-use sewerage systems in the RDT Zone. This Plan favors the on-site repair and replacement of multi-use systems in the RDT Zone over the extension of public water and sewer service, provided that the on-site system adequately protects public health and environmental quality.